WE whose names are underwritten, being Senior Fellows of *Peter-House* in *Cambridge*, have seriously perused the Book, Entituled *The Petition and Argument of* Mr. *Hotham, &c.* And do testifie that his Narrative of Colledge Transactions therein related, is, as we conceive, faithful and agreeable to Truth. And further, that for such other expressions as he hath there used concerning the Master of our Colledge, his behaviour in his Office; we have found by our constant observation of the same for many years, that there was good grounds for Mr. *Hotham* so to express himself. In witness whereof we have hereunto set our Hands this 17. of *July* 1651.

Senior Fellows. { *Robert Quarles.*
James Clark.
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THE PETITION AND ARGUMENT OF Mr. Hotham,

Fellow of *Peter-House* in *Cambridge*, before the Committee for Reformation of the Universities, *April* 10. 1651.

Against the Masters Negative Voice of that Colledge, and for a remedy to be granted the Colledge against the usurpations of Doctor *Seaman* the present Master, agreeable to what was granted by Parliament to the City of *London*, *An. Dom.* 1648. for the better enabling them, in case of need, to act as a free Body, without their chief Officers concurrence.

Printed in the Year, 1651.

To the Honourable, the Committee for Reformation of the Universities.

Right Worthy Senators,

THough by reason of a subrustick pudor and love of ease (the two Cardinal vices of my Constitution) I have been always averse from action, never but by strong enforcement of duty appearing in publike view. And though I was never so well pleased with ought I could ever yet say or do, as to think it worth a rehearsal, much less of publication, especially in these Pampleting times, wherein the glut of Books hath rendred all mens Palats nauseous of what is not in its kind excellent and extraordinary: Yet have I been lately by a strong desire of removing those pressures our Colledge hath long groaned under, rouzed up out of my dearling rest, and native shamefastness, to appear a Petitioner before you in some causes of our commmon concern-

ment; in all which, though wearyed with the discouragement of continual frustrations (which put both all those engaged with me, and others that would have otherwise appeared, into a resolution of no more addresses) yet could not I sit still as despairing, till I had made this one essay more, and deliverd my self of this last parturience.

This masculine birth was no sooner exposed to the light in your presence, but it was as you may well remember, by Doctor Seaman, whose prerogative it was born to oppose, endeavoured to be stifled with a deluge of vulgar slanders, viz. Malignity to his person, ambitious desire of private promotion, enmity to the establisht Laws and Government of the University, from all which the Petition was I think before your selves sufficiently asserted; but those light aspersions being easilyer born away on the wings of common Fame, then that weight of reason I laid before you for its vindication, I held it convenient to send after them this particular memorial of that days proceedings, that so his Calumnies, and this Narrative being both heard speak together, the University, which I know never yet esteemed me an enemy to its Government

vernment, may be the better enabled to give a true judgement.

But above all, being convinced by ſome preſent at that debate, that what I then delivered before you, if publiſhed, might poſſibly prove both a ſerviceable light and incentive to ſome generous ſpirits, to the contribution of their endeavors to that good reformation by you reſolv'd upon, I could not, (being a moſt devoted ſervant to that publique end) but give way to their Counſels, though putting my ſlow Pen to the great pennance of extorting from my weak memory, and tranſcribing into a form fit for the Preſs, that rude draught of materials I had prepared for this work, together with an interſertion here and there of ſome few pertinencies in that tumultuary diſpute, either omitted or forgotten.

I muſt confeſs I expected, that having the ſtate of the Controverſie, and great need then was of determining it, ſo clearly laid open before you, 1. In Doctor Seamans great unwillingneſs ſo much as to anſwer whether he laid claim to a negative voyce. 2. In his open diſcovery, when more preſsly urged to it, of his avowance and claim to it. 3. In a full and ſatisfactory anſwer to all thoſe Pleas

he could produce in justification of this claim; That a Declaration of your senses against his negative voice, with some certain provision against the use of it for the future, would have been the narrowest result of that dayes consultation.

And I further hoped that some Gentlemen of worth would so far have espoused a Commonwealth quarrel, as that, if the abolition of the Masters supremacy in calling of meetings, and proposing of questions at hu own pleasure were not in the Committees power, the matter being of a high and publique concernment, should have been speedily reported to the house to provide a remedy.

But I will not make any foolish expectation of mine, a rule whereby to judge of the resolutions of wiser men.

That Order you were pleased to make that day, of having a view taken of the Statutes of the whole University, and every particular Colledge, was a noble and a generous Resolve; and to suffer your selves, from the representation of a particular places grievances to be awakened into a positive activity towards an universal reformation, was a thing becoming men of enlarged spirits, and that Archipoimenal power you are entrusted

entruſted with. And in that ſubſequent Order of thoſe Gent'emen of the Sub-Committee, Dated April 25. I cannot but with all due reverence applaud their wiſe admittance of an intermixture of the experience of men beſt knowing in Colledge affairs with their own particular wiſdoms in this Reformation: you gaining by this means a threefold advantage.

First, The due praiſe of your Honourable Condeſcent in not aſſerting us to our loſt freedoms by an abſolute power, till there firſt appear in our ſelves a diſlike of our former Metamorphoſis, and willingneſs to be reſtored.

Secondly, A true knowledge of the condition and temper of the Univerſity in the Genius of its particular Members, and how it ſtands affected to the principles of freedom.

And thirdly, Many conſiderable diſcoveries, which your ſelves out of the bare Theory could never have made, of great ſubſerviency to the clearing of your underſtandings, not only in this point of freedom, but in all the other parts of your intended Reformation.

Yet give me leave in my rough Northern Dialect to preſent before you ſome

grand obſtructions, which as to our Colledge (for I deſire not to intermeddle further) may poſſibly hinder ſuch due concurrence as might juſtly be expected.

The firſt is the Maſter of the Colledges reſiding at London, who though at that diſtance from his Charge, he ought to be lookt at as a non-ſignificant Cypher, yet hath he thereby opportunity, by his great intereſt and acquaintance with many of your Members, to caſt the prejudices of a private and partial information againſt whatſoever we ſhall preſent, eſpecially if intrenching upon his prerogative.

Secondly, Though himſelf ſhould ſit ſtill and ſay nothing, yet his known Agent, that grave Seigniour, who ſtands alwaies at your elbow, and hath been permitted more then once to intermeddle in our Colledge affairs, even in the time of your private debates, when we of the Colledge, who are moſt concerned, were commanded to withdraw, and who, by the knowledge of your minds he thereupon pretends to, hath ſometimes attempted to deprave your Orders from your ſenſe, recorded by your publike Officer. This man ſtill continuing in truſt and reſpect with you, and I believe ofr intruding

his

his alloy into the penning of your Orders, cannot but administer us great ground of jealousie, that our best endeavous are in danger to prove abortive.

I speak not this without good ground; for when we had once at the beginning of these troubles a Petition to present to you; a prudent man of our Society, whose judgement we knew concurred with us, did refuse to appear above board upon this very ground; Our Petition he said was very just, and agreeable both to Reason, and the Colledge Statute, but the Tribe of Adoniram *would be too strong for us.*

A Gentleman being once to travel into France, *took with him a raw Countryfellow to wait upon him; the Gentleman being arrived at* Paris, *and some dayes after, going to see the Court, his man was very inquisitive of him to know which was the King: but being shewn him, would not believe it was he, and gave this for his reason, That sure the French were not such fools, when they had among them as he knew well, a grave, able, and learned Councellour to make choyce of (he meant a tall grim* Switzer, *with a great head, and a long beard, which he had observed waiting at*

the Kings Gate) to reject this wise man, and make choice of a young youth of not thirty year old to be their King.

All the Application I made of it is but this one sober aviso, *that you beware of too much depretiating your selves, and your Authority; The being but thought to* Philippise, *was once a great dishonour to the famous Oracle.*

This reverend Switzer *is I assure you look't at as a great man, is adored by many, and few I think appear before you but sacrifice to him, at lest* ne noceat, *and the old Proverb of our Chronicle begins to be again remembred;*

He that will *England* win,
With *Scotland* must first begin.

I know not whether this plain language may displease some; but I hope some indulgence will be granted to a poor Northern man, who hath not yet learned to speak smooth English. And besides, it is more agreeable both to the rules of honesty and your interest, that these things should be declared to you, then whispered of you. But I forget my self.

That this mans finger (though your selves I am confident are not aware of it) hath

hath not been wanting to the penning of this Order, I do a little ſuſpect. Becauſe firſt, Only thoſe members of Colledges entruſted with the Government for the time being (which I think in moſt Colledges are only the Maſter & two Deans, and a Lecturer or two) are here called in to give their advice. Secondly, That maſculine expreſſion in your firſt Reſolve of reducing the Statutes to ſuch a ſtate as may render them moſt conducing to the advancement of the intereſt of a Commonwealth, being in this latter Order left out, and inſtead thereof, they only commanded to conſider what Statutes, &c. are prejudicial to the preſent Government: whereupon moſt men declining your intended ſenſe (of which your firſt Reſolve is the beſt Expoſitor) will probably confine their underſtandings ſolely to the Conſideration of the Oaths of Allegiance and Supremacy, or ſomething of that nature, as fit to be aboliſhed.

Thirdly, In our Colledge, though the Maſter and Deans, with the Lecturer (and Burſar in ſome caſes,) are ſolely intruſted with the executive part of the governing power, yet is every member of the ſociety by our Statute, equally intruſted with the Legiſlative.

Now

Now there are lately five Fellows put in by Order of this Committee, who though none of them have yet attained the degree of Maſter of Arts, and ſo are not yet men in an Univerſity account, yet muſt they (being by your ſpecial Orders made compleat Fellows a year before their time) though utterly ignorat of our Statutes, unexperienced in Colledge affairs, and beſides, all but one of them, by their ſeveral relations to the Maſter, moſt devoted to his intereſt, have equal Votes in this grand Tranſaction with us of ancienteſt ſtanding and experience, which muſt needs produce vaſt obſtructions, and perhaps returns of contradictory opinions before your Tribunal. And theſe young lads opinions, being in the moſt material points, ſure to have the Maſters, either private or publike abettance, according to whoſe private inſtructions they will aſſuredly act, 'tis not uneaſie to judge by former ſucceſſes what is like to be the event in this.

Fourthly, It being unlikely that you will finde in other Colledges, a number conſiderable to the major part to declare for any conſiderable mutation, where no oppreſſive miſcarriage of their chief Officer hath awakened them into a diſtaſte of

their

their preſent abſolute Monarchy ; its improbable our Colledge lying under ſuch diſcouragements will adventure to be ſingular.

Fifthly, That which is likely to prove the main obſtruction of all, is mens jealouſies of thoſe hazzards they may incur by a fruitleſs Declaration of their ſenſes in points tending to the advancement of a Commonwealth intereſt, your ſelves having not yet declared your own ſenſes in favour of the cauſe of Liberty, which makes ſome fear, that their profeſſion of ſome free principles may (though undoubtedly far from your honorable intentions) prove in the event, but an aſſembling themſelves, though honeſt men, to the fate of Baals Prieſts, I mean the rage of that Samaritan, whoſe corrupt intereſt they oppoſe.

But if your ſelves, upon whoſe countenances all men will look as the magnetick Pole-ſtars of their motion, would but ſhew your ſelves ſo far propitious to the cauſe of Liberty, as to paſs but by way of earneſt, a previous Declaration of your ſenſes againſt the prerogative of Peters Chair, *whoſe root lies already bare and diſaſtened by reaſons, axes and mattocks, and wants but one ſtroke of*

your

your authority to lay it level with the ground; this would indeed give some incouragement to our fainting resolutions.

But if the redress of our grievance must be deferr'd till a perfect new model of all those Statutes have waded through that infinitude of almost insuperable obstructions it will meet with: I cannot but look at our Cause as neer desperate, or at least shall of poor Peter-house *take up my Proverb, and say,* Dum consulitur Romæ, capitur Saguntum; *while help from our friends of the* Roman *Republick is delayed, our Liberties are left as a prey; and those that appear'd for it, as a scorn to the insulting enemy, who now having obtain'd his will in your ejection of one elected by the President and Fellows; of which you have an account annext to the latter end of this Relation, and his own Sizer a* Londoner *put by you into that Fellowship, though design'd by our Founder for a Northren man; and having lastly got this desired advantage of having this great controversie left in* statu quo, *and drown'd in that unfathomable Ocean of the universal view, and Reformation of the great body of our Colledge and Universitie Statutes (like*

that

that ſouldier, who being told he muſt anſwer for ſome yards of cloth he had ſnatch't out of a Merchants ſhop, at the day of Judgement, merrily retorted; that might he have ſo long a day given him, he would take the whole piece) puts the evil day afar off; and as I hear impotently boaſts himſelf your onely Favorite, and the Society as a deſpiſed handful, not otherwiſe look't at then as a heap of dead ſtones, except when it ſhall pleaſe himſelf to animate us into a Fabrick.

This I can attribute to nothing ſo much as thoſe his Punick Ambuſca'ds wherewith he hath hitherto prevail'd againſt our more apert Roman Militia; I mean thoſe ſecret whiſperings inſtill'd, I fear into their ears, whom he hath free acceſs to, of his being the author of all their eſſences in Peter-houſe, *who now lift up their heels againſt him, of a Faction, and I know not what plot, to make way for building up another mans promotion out of his ruins; which groundleſs ſcandals, lying perhaps as a prepoſſeſſion in many mens belief, cannot but prove a heavy obſtruction in their way who have done, or ſhall further appear his adverſaries.*

But I hope you will in time conſider

how

how uſual a ſtratagem it hath alwaies been of tyrants, to defile thoſe that appeared for Reformation with ſuch like ſlanders.

And when Truths Story comes to be told in to your other ear, which I hope is reſerved empty for us the Fellows; theſe daughters of Falſhood will hide their faces, and vaniſh into nothing. I could my ſelf with a little more of your patience rectifie your judgements of thoſe prejudices, were I ſure there were need of it.

But I have detained you too long.

Be pleaſed to accept of theſe Remonſtrances, which, leſt the Publication might be miſinterpreted an appeal to others; I crave the boldneſs to Dedicate in all humility to your ſelves, not doubting, but that that candid and favourable attention of yours, which honoured their firſt privater birth, will not deny its propitious influence upon this their more publike production.

And that you will every way approve your ſelves anſwerably to that honourable Stile you bear, The Committee for Reformation, *is the confidence, And will alwaies be the Prayer of*

Your meaneſt Servant,

Ch. Hotham.

To my moſt dear and ever honoured friends, the Fellows of *Peter*-houſe in *Cambridge*.

Gentlemen of our ancient Society,

WHen I caſt my eye upon your experienced great worth, and the unparallel'd happineſs I have long enjoyed in my converſes with you, I cannot but wiſh my ſelf able to erect ſome laſting momument, whereon to engrave my deep ſenſe of both to perpetuity.

But my ſhort power ſinking ſo infinitely beneath my own deſire, and your deſert, I am enforced rather then be altogether unfruitful, to preſent you with this barren Eſſay of my endeavours for our common freedom; which coming now to ſee the publike light, is (next to our general Protectors, to whoſe

whose Honourable inspection over us, we must needs say, we owe our preservation) devoted to your service and acceptance.

I know you will a little wonder at this opener appearance of this Petition and Argument, which I think you never looked I would have been so adventurous as to have suffered to see so much light as it did in your view before the Committee.

For, to appear against the interest of a man so generally befriended, by some upon point of ancient acquaintance, and opinion of his holiness; by others upon his high merit in the secession from his former Principles and party he was a head of, to an absolute complyance with the strongest sword, even to a preaching up the present powers Authority, out of the very same Texts and Principles which were formerly made use of by the Regal Parasites, to establish that blind obedience we all declared and fought against; for a meer servant of principles to contend against a server of times, such a good loyall subject, and perfect tool of State, that hath like the complying Knight of old, confest even

Boots

Boots and Spurs and all, and reſolved all his former ſtiff principles into that one of a ſupple, ſervile obedience to the ſtrongeſt ſword, was, I know both you and all men elſe will ſay, a deſperate attempt, and more ſmelling of juvenile heat, then a ſedate wiſdom.

I confeſs, if my love of Juſtice, and honourable eſteem of our Judges integrity had not been much ſtronger then any humane hopes of ſucceſs, I had never imployed my endeavours upon ſo improbable an adventure.

But you know my profeſt principle hath alwaies been, that a true Chriſtians motions ſhould be guided by that one ſingle internal principle of righteouſneſs, that where duty cals to action, there our work is ſimply to contribute an endeavour, leaving ſucceſſes to him that is Lord of all: That that man is not worthy the name of a Chriſtian, nor fit to be an inſtrument of any remarkable good, that will not prodigally adventure the loſs of his repute, as well as labour in miſcarriages, for the poſſible accompliſhment of a righteous end.

Whereupon ſome of you may poſſibly remember, that when we were upon

upon that first attempt of Petitioning the Committee against the Masters man, being made Fellow of our Colledge, and the intrusion of young Lads into the Colledge-government, though I both owned and cordially joyned with you in those (I think) just requests, yet I always said we were thus far comparatively unjust, in that we unbecomingly spent our pains in hewing at a few excrementitious branches, and did not rather lay the Ax to the root of the tree, *viz.* the Master himself, and his usurped prerogative, who by denying us our right of elections, had been the true original of all those mischiefs.

For as for those youngsters, they having no trust upon them to the contrary, if they did a little over-eagerly seek their own promotion, it was but a private error, a sin of their age, rather then judgement.

But for Doctor *Seaman*, a Patriarchiall pretender to Religion, and entrusted with the Patronage of the Colledge rights, to betray them and us to his own corrupt design of new modelling the Colledge, and molding up a party devoted to his own ends,

ends, was in him an unpardonable tranſgreſſion, and in us eſpecially, who had appeared againſt leſſer offenders, not altogether excuſable to ſuffer it without endeavouring a remedy.

Dat veniam Corvis, vexat cenſura Columbas.

But you perhaps not thinking fit to engage againſt an intereſt apparently too ſtrong for us, or deſiſting upon other reaſons beſt known to your wiſdoms, I thought fit however to acquit my ſelf from the blame of my own conſcience by my ſingle engagement againſt that deſtructive prerogative, which I was the rather willing to do upon my own ſingle adventure, becauſe if I prevailed, the Community would be a gainer; if not, the loſs of labour, and the diſrepute was only my own.

Beſides, I was ſure you were all throughly perſwaded of my ſouls candor in the attempt, and that none of thoſe by reſpects our Malignant and ungodly Maſter charged me with, but onely the publike good was my ſole and ſincere aim, both in this and other

tranſactions,

tranſactions, wherein I have appeared croſs to his deſigns. And ſo whatever error I might commit in the management of this affair, I promiſed my ſelf from you, whoſe cenſure I only valued, an eaſie pardon.

Yet in all this proſecution of our cauſe of liberty, you ſee I have hitherto acted with ſuch tenderneſs to him I oppoſed, as to aim onely at the removeal of his hurtful prerogative, not his perſon: but ſeeing he hath to his former miſcariages added this Capital tranſgreſſion, of ſeeking to caſt a publike diſgrace upon the Preſident and whole Society, whoſe honor and immunities he was bound to defend, I hope it will not be thought injuſtice if that perſonal charge againſt him (which if produced before, would have come in onely as a needleſs ſupernumerary motive to the enforce ment of my Petition) being reſerved as yet intire, be in its due time, when ſome formalities yet wanting ſhall be ready, produced againſt him to his amotion.

And if it ſhould ever be our good hap to diſcharge our ſelves of ſo unneceſſary a burthen, I ſee for my own part no reaſon why the Kingly Office

in

in *Peter-House* may not well be abolished, and he who shall as President be elected yearly to supply the place, content himself for his pains with the stipend allowed by the Founder, and so the State become exonerated of the charge of that augmentation.

Nor do I see why we should distrust that Government in our Corporation, of which all the Corporations throughout the whole Nation have such ample experience, especially we having found by a more then six years experience of our own, that all the good ends of Government have been attained with us by a President and Fellows in the Masters absence, much better then in his presence.

Yet I speak not this at all in relation to other Colledges, whose constitution may be different from ours, and who have perhaps found great benefit redounding to their Communities from their several Masters vigilancy and faithfulness to the common interest.

But I hope the Master of our Colledge will be so wise in his generation, as to cut off the Clue from these remote designs, by making use of that old Statute, *de promotis*, together with that

that preſent intereſt he hath in many Members of the Honorable Committee, to rid me firſt out of his way; a thing moſt of you know he hath oft threatned me with, but could never yet by ſuch means get me to bate him one Ace of my open oppoſition to his deſigns, where my judgement engaged me to it.

I know moreover what obſtruction he is able to lay in my way (without once being ſeen in it himſelf) whenſoever I ſhall come to lay claim to my *Lancaſhire* inheritance; but it is my reſolution, God willing, to go on as Juſtice ſhall call, ſtraight forward, without looking aſide, either to the right hand or to the left.

Nor ſhall the hazard either of my Fellowſhip, or five or ſix hundred pounds a year to boot, deter me from doing ought wherein I may advance a publike good, with reſpect to that worthy Society, to whom I ſhall, while I enjoy life, endeavour to approve my ſelf

A moſt affectionate

and faithful Servant,

Ch. Hotham.

Vicesimo Octavo Februar. 1648.

An Act of the Commons of *England* in Parliament assembled, for removing Obstructions in the proceedings of the Common-Councel of the City of *London*.

THe Commons of England in Parliament assembled, do enact and ordain, and be it enacted and ordained by the Authority aforesaid, that in all times to come, the Lord Major of the said City of London, so often, and at such time as any ten or more of the Common-Councel-men do by writing under their hands, request or desire him thereunto, shall summon, assemble, and hold a Common-Councel. And if at any time, being so required or desired, he shall fail therein, then the ten persons, or more, making such request or desire, shall have power, and are hereby authorized by writing under their hand to summon, or cause to be summoned to the said Councel, the members belonging thereunto, in as ample maner as the Lord Major himself usually hath done. And that the members appearing upon the same summons, being of the number of forty, or more, shall become a Common-Councel. And that each Officer, whose

the members of the ſaid Councel, ſhall perform the ſame from time to time, upon the Warrant or Command of ten perſons or more ſo authorized as aforeſaid. And it is further enacted and ordained by Authority aforeſaid, that in every Common-Councel hereafter to be aſſembled, the Lord Major of the ſaid City for the time being, or in his abſence ſuch Locum tenens as he ſhall appoint, and in default thereof, the eldeſt Alderman preſent, if any be, and for want of ſuch Alderman, or in caſe of his neglect, or refuſal therein, then any other perſon, member of the ſaid Councel, whom the Commons preſent in the ſaid Councel ſhall chuſe, ſhall be from time to time Preſident or Chair-man of the ſaid Councel, and ſhall cauſe and ſuffer all things offered to, or propoſed in the ſaid Councel, to be fairly and orderly debated, put to the Queſtion, Voted and determined in and by the ſame Councel, as the major part of the members preſent in the ſaid Councel ſhall deſire, or think fit: and in every Vote which ſhall paſs, and in the other proceedings of the ſaid Councel, neither the Lord Major nor Aldermen, joynt or ſeperate, ſhall have any negative or diſtinct Voyce or Vote, otherwiſe then with and among, and as part of the reſt of the members of the ſaid Councel; and in the ſame manner as the other members have: And that the abſence and withdrawing of the Lord Major or Aldermen from the ſaid Councel, ſhall not ſtop or prejudice the proceedings

of

of the ſaid Councel. And that every Common-Councel which ſhall be held in the City of London ſhall ſit and continue ſo long as the major part of the Councel ſhall think fit, and ſhall not be diſſolved or adjourned, but by, and according to the order or conſent of the major part of the ſame Councel. And that all the Votes and Acts of the ſaid common-Councel, which was held 13. Januarii laſt, after the departure of the Lord Major from the ſame Councel. And alſo all Votes and Acts of every Common-Councel hereafter to be held, ſhall be from time to time duly Regiſtred as the Votes and Acts of the ſaid Councel have uſed to be done in time paſt. And be it further enacted and ordained by the authority aforeſaid, that every Officer which ſhall ſit in the ſaid Councel, ſhall be from time to time choſen by the ſaid Councel, and ſhall have ſuch reaſonable allowance or ſalary for his pains and ſervice therein, as the Councel ſhall think fit. And that every ſuch Officer ſhall attend the ſaid Common-Councel: And that all Acts and Records, and Regiſter-Books belonging to the ſaid City, ſhall be extant to be peruſed and ſearched into by every Citizen of the ſaid City, in the preſence of the Officer who ſhall have the charge of keeping thereof, who is hereby required to attend for the ſame purpoſe.

Hen. Scobel Cler. Parliament.

TO The Honourable, the Committee for Reformation of the *Universities*.

The Humble Petition of *Charls Hotham*, Fellow of *Peter-House* in *Cambridge*.

Sheweth,

THat whereas in all Societies of men incorporate, great evils do usually arise from the too exorbitant power of their chief Officer, not annually elected to his Trust; the sad experience whereof our Colledge hath of late felt, the Master assuming to himself, or his President (if present) the sole power of Convocating and dissolving of publike Meetings, and proposing of Questions at his own pleasure; and sometimes refusing to act according to the determination of the major part; and all this onely for want of our Founders sufficiently expressing his

minde in a Statute of our Colledge; wherein he Wills, that the Master should in the Arduous affairs of the Colledge, consult with the Fellows in Common, and stand to the determination of the major and sounder part, but hath through the uncertainty of the last expression, left a gap open to the exercise of an Arbitrary power; and besides, constituted no penalty to the Master at any time, upon sinister ends, refusing to do his duty in that kinde, nor provides the Colledge of any way for calling of Meetings, or making of Acts in form valid, without his, or his Presidents concurrence.

And seeing the Parliament hath always adjudged this unlimitted power in the supream Officer of the Nation, of a dangerous and destructive nature to the Weal publike, and hath further proceeded so far, as to restrain the same in the City of London, where yet the danger is not so great, as in our smaller Corporation, their chief Officer being annually changeable, and new elected to his Trust: but ours, one and the same during the whole term of his life.

May it therefore please this Honorable Committee, for prevention of future mischiefs, and for Caution

on that this root of Corruption left in one of the ancienteſt Fountains of youths education do not ſpread out its pernitious branches to gangrene the whole Nation. To Ordain, That from henceforth the Maſter ſhall not aſſume to himſelf, or his Preſident, ſuch an exorbitant power, but that he or his Preſident, or the Senior Fellow of thoſe preſent at home, ſhall at any time, upon the deſire of two of the ſeven Senior Fellows, left with him in writing under their hands, call a meeting at ſome ſeaſonable time, within forty eight hours after their deſire ſo ſignified; and ſhall at that, and all other meetings propoſe to the Society ſuch queſtions as the major part ſhall think fit, and not diſſolve any meeting without conſent of the major part: And laſtly, ſhall not aſſume to himſelf any Negative or diſtinct voice, otherwiſe then as one member of the Aſſembly, and in the ſame manner as other members have, but ſhall according to the duty of his place duly and without delay put in execution the determination of the

ſaid major part, and all this to be eſtabliſht under a ſufficient penalty; the want of which is the greateſt encouragement to mortal men to offend: And that in caſe the Maſter or his Preſident, or Senior Fellow then preſent, ſhall refuſe upon ſuch deſire of two of the Seniors, as aboveſaid, to call a meeting, then they themſelves to be authorized to call a meeting; and ſuch of the Fellows as ſhall meet upon their ſummons, if there be above ſeven then at home, to be impowred to chuſe a Preſident for that time, and to be a Colledge Aſſembly to all intents and purpoſes; And what ſhall paſs in ſuch Aſſembly ſo Convocated by the Senior Fellow of thoſe preſent at home, or the two Seniors above ſaid, to be reputed an Act of the Colledge, as valid, as if the ſame meeting had been Convocated by the Maſter or his Preſident: And becauſe great inconvenience may oft enſue by the Maſter and his Preſident, being both abſent together, our Statutes having in ſuch caſe provided the Colledge of no Gover-

nor

nor in chief. Your Petitioner doth further pray, that it may be ordained,

That in case the Master and his President, shall be both absent, that then the Senior Fellow of those present at home, may, till the Masters, or his Presidents return, be impowred as President, to all intents and purposes, as if he were by the Master nominated, and appointed to that Office.

And your Petitioner, with the whole Colledge, delivered from the oppressions and usurpations of an Arbitrary power, by the wisdom and Justice of this Honorable Committee,

Shall ever pray, &c.

This Petition was firſt preſented and read before the Committee *March* 27. at which time Doctor *Seaman* urg'd that this controverſie would concern the whole Univerſity, and therefore was unfit to be ſingled out alone, but rather ſhould fall in with the conſideration of the whole bulk of the Colledge and Univerſity Statutes now under conſideration of the Committee of Viſitors at *Cambridge*; but the Committee then looking at this as a dilatory ſubterfuge, accepted of the Petition, aſſign'd a day for taking it into further conſideration, granting me ſummons for ſuch of the Society as I deſir'd for Witneſſes in caſe of need. The Maſter having the like liberty to nominate whom he pleas'd, but pitch'd upon none. This was the Order.

March 29. 1651.
At the Committee for Reformation of the Univerſities.

ORdered, that the Petition of Mr. Charls Hotham, *Fellow of* Peterhouſe *in the Univerſity of* Cambridge, *this day preſented to this Committee, be taken into conſideration on this day fortnight,*

for night, and that Dr. Francius, Mr. Clerk, Mr. Brock, *and* Mr. Samms *senior, Fellows of the said House, do in person attend this Committee, to inform this Committee of what they know concerning the matter of the said Petition; and that in the mean time the Master and Fellows of the said House have a Copy of the said Petition if they think fit.*

James Chaloner.

On the day appointed, being *April* 10. being desirous to have the cause heard at as full a Committee as might be, I attended some time in the Hall with this following Petition for a revival of the business.

To the Honorable Committee for Reformation of the Universities.

The Humble Petition of Charls Hotham, *Fellow of* Peter-House.

Sheweth,

THat whereas your Petitioner on the 27. of *March* last past having represented to this Honourable Committee the great inconveniencies redounding to that Colledge, of which he

he is a member, from the too exorbitant power exerciſed by the Maſter of the ſaid Colledge, for want of our Founders ſufficient declaration of his mind in a Statute, wherein he willeth that the Maſter ſhall *in arduis Collegii*, conſult the Fellows in common, and ſtand to the judgement of the major and ſounder part: For the more full and certain execution of which Statutes, your Petitioner did humbly pray, That ſuch remedies as were in that Petition ſpecified, might be ordained by the wiſdom of this Honorable Committee.

Upon which deſire of your Petitioner, it was then Ordered, that the ſaid Petition ſhould be taken into conſideration on that day fortnight, and that Dr. *Francius* Mr. *Clerk*, Mr. *Brock*, and Mr. *Sams*, Fellows of the ſaid Colledge, ſhould be required to attend here in perſon, to inform this Honorable Committee what ſhould be thought requiſite concerning the matter of the ſaid Petition.

Now therefore your Petitioner doth humbly pray, that this being the day appointed for the ſaid hearing (and the Fellows of the Colledge which

which were ſummon'd being here in perſon, ready to attend the pleaſure of this Honorable Committee) that the ſaid Petition may be again read, and your Petitioner may be heard to make good his Petition, by ſuch proofs of reaſon, or witneſs, as the nature of the thing ſhall require; And your Petitioner, as in duty bound, ſhall in all humility await ſuch ſentence, as ſhall upon full hearing of all parties concerned be awarded by the Wiſdom and Juſtice of this Honorable Committee.

And ſhall ever pray, &c.

But this ſhort Petition prov'd uſeleſs; for my former large Petition was reſum'd without any motion of mine, and much ſooner then my expectation

But after the firſt clauſe of the Petition was ſcarce read. Doctor *Seaman* interpos'd a motion, that the further reading of it might be ſuſpended, till a private buſineſs, which he ſaid was the true original of all theſe commotions, were firſt heard. So the Petition was at his motion laid aſide, and the private

buſineſs

buſineſs firſt brought upon the ſtage: the iſſue of which, falling out ſtrangely to his content, the Committee was made believe this was the ſubſtance of the whole controverſie; there needed now no farther hearing of the publick Petition.

Now as for that private buſineſs, ſeeing he hath chriſtened it with the name of publick, I have at the latter end of this Narrative made it publick for his ſake.

But nothing diſcourag'd with this unexpected event of that diſpute, I went in again to the Committee, informed a noble Gentleman there preſent, I had a Petition there of great concernment, which I deſired might be read, and my ſelf heard ſpeak to it. So at his motion the Petition was reſumed.

After 'twas read, Dr. *Seaman*, I think, firſt ſpake ſomething to it; but to what effect, I have utterly forgotten, and ſhall be glad to be remembred of it by himſelf.

When he had done ſpeaking, I mov'd the Committee, that for laying a clear foundation, whereupon to ground the debate, he might be aſkt the queſtion, Whether he laid claim to a negative voyce, or not.

His

His anſwer was, firſt, that he did not deſire to anſwer to any queſtion, till commanded to it by the Committee; but pauſing a while, and perceiving by a general ſilence of all the members, that a more full anſwer was expected, He ſtill ſubtilly declining an anſwer to the queſtion, tells them we had many ſorts of Colledge-meetings; that the Maſter was ſometimes to conſult with the Deans onely, ſometimes with 5 or 6 of the Seniors; but in the arduous affairs of the Colledge, he was to conſult with the Fellows in common, and to ſtand to the judgement of the major part. This now ſeem'd, at firſt view, a clear acknowledgement of his being bound up in the major part, in meetings of the whole Society preſent.

And any man not acquainted with his methods, would have thought the controverſie had been at an end, and that the Doctor was ſcandall'd in my ſo much as intimating that he had laid claim to a negative voyce.

But as 'twill appear, he meant nothing leſs. For firſt, though he acknowledged himſelf bound *in arduis* to conſult the Fellows in common, yet nothing appear'd, but that he ſtill re-

ſerv'd

ſerv'd the judgement of that *arduity* as a *prerogative* within his own breſt; ſo that the Society for meetings, though never ſo much needed, muſt depend upon his pleaſure, which was one of the chief grievances, againſt which a remedy was petition'd for.

Secondly, notwithſtanding his ſeeming acknowledgement of being tied by the major part; yet being further urg'd to declare whether he did not from that additional expreſſion in our Statute of the ſounder part, challenge to himſelf a deciſive judgement which was the ſounder part, ſo as that he might judge the leſſer part the ſounder, and be thereupon abſolv'd from ſtanding to the judgement of the major part; he could then keep himſelf in the darkneſs no longer, but produc't two Statutes for his negative voyce. The one, extending onely to the proof of his negative voyce over the two Deans, was an interpretation made a hundred and fifty years, or more, after the firſt compiling of our Statutes. In theſe words, "*Item ſi aliquid ex Statuto ſit*
"*determinandum per Magiſtrum, &*
"*Decanos concernens eorum officia, ſi*
"*Magiſter Collegii, & unus Decanorum*
"*ali-*

"aliquid decreverint, ſtabit pro rato, &
"ſi duo Decani decreverint, & Magiſter
"Collegii non conceſſerit, pro nullo ha-
"beatur. Moreover if any thing be to be determined according to Statute by the Maſter and Deans by vertue of their office: If the Maſter of the Colledge and one of the Deans decree any thing, it ſhall ſtand as valid: and if the two Deans ſhall decree, and the Maſter of the Colledge not Conſent, it ſhall be accounted null and void.

But this prov'd not at all a negative voyce over the major part of the Fellows aſſembled in a meeting.

The other (being the main pillar of his cauſe) was the Univerſity Statute, which he read to the Committe in theſe words.

"In omnibus & ſingulis electionibus
"tam Sociorum, Diſcipulorum, Scho-
"larium, Officiariorum, Lectorum, reli-
"quorumq; membrorum cujuſq; Collegii,
"quàm in omnibus & ſingulis locationi-
"bus, & conceſſionibus quibuſcunq;,
"neceſſariò requirendus eſt Magiſtri ſive
"Præpoſiti illius Collegii aſſenſus &
"conſenſus. Et quod bene licebit
"Magiſtris ſive Præpoſitis Collegiorum,
"in ſuis Collegiis, ſi quando illis
"neceſſarium videbitur, omnes illas

"pœnas

" *pœnas exercere in delinquentes, quas* " *aliquis Officiariorum illius Collegii per* " *Statuta ejusdē Collegii imponere possit.* In all and every election, as well of Fellows, Scholars, Officers, Lecturers, and other Members of every Colledge, an in all and every letting and conceſſion whatſoever, the aſſent and conſent of the Maſter of the Colledge is neceſſarily to be required: and that it ſhall be lawful for the Maſters or Provoſts in their ſeveral Colledges to inflict upon offenders all thoſe penalties which any of the Officers of that Colledge may impoſe by the Statutes of the ſame Colledge.

Theſe Statutes he ſaid (but proved it not) were confirm'd by Act of Parliament: To which 'twas anſwer'd, That its true, the Univerſity Charters were confirm'd by Act of Parliament, but as I believ'd, not the Statutes; no further confirmation that I know of appearing, more then by the ſame Commiſſioners, who reviewed our Colledge-Statutes; which as far as I knew, there was as good ground to believe were confirmed by Parliament, as thoſe of the Univerſity.

He further added, that that which I charged

charged as a fault upon him, *viz.* the relying upon his own wisdom, I was chiefly guilty of it my self, in preferring a Petition of my own head, without first asking the advice and consent of the Fellows, who did not appear any way to own it: to all which allegations of his, my answer, directed to the Chairman of the Committee, was as follows.

SIR,

I acknowledge it may to this grave Assembly seem strange, and perhaps something smelling of presumption, that in a business wherein the good of the whole Colledg is pretended to, one man onely should appear to own it, and he neither the first nor second Senior of the Colledge, nor yet publickly employed by the Society for the making of such attempt: But I hope if the high consequence of the matter presented, and greatness of the person, or rather interest to be opposed, and how unwilling men of prudent and suffering spirits have alwaies been to engage themselves in high contests, and how loth modest men are to ask that which they think may probably be denied them

them, be well conſidered, this wonder will ſoon ceaſe. And to take away the imputation of preſumption, I have onely this to ſay, that had I known of any man that would have taken upon him this task, I ſhould moſt willingly, according to that man directions, either have ſitten ſtill, or ſeconded him in the meaneſt of ſervices tending to the advancement of this cauſe. But I knew of none, & beſides, had, above the reſt of the Society, theſe ſpecial engagements obliging me to this endeavour.

1. Firſt at the time of my preſenting the Petition, I was one of the Deans of the Colledge, an Officer intruſted by the Founder, not onely as an aſſiſtant to the Maſter in the Colledge-Government, but likewiſe as one of the *Ephori* of *Sparta*, a Superviſor and Cenſor of his actions in ſome caſes, to admoniſh him, if need were, and in caſe of his obſtinate ſtanding out againſt admonitions, to complain of him to a Superior Juſtice.

Secondly, our Colledge-ſtature requires every member of the Colledge, even after his departure, (much more during his abode) that in way of agrateful acknowledgement of that much good

good he hath received there, he ſhould endeavour the preſervation of the Colledge-rights to the utmoſt of his power.

Now there having been one of my own name, and Family, the third, or fourth ſucceſſour to the Biſhop of *Ely* that founded the Colledge, a great Benefactor to it (though the particulars wherein, appear not) and my ſelf coming now in a more peculiar manner, and by a ſtrange caſt of providence, to partake of the good fruits of his bounty; I held it a double obligation upon me to a performance of this clauſe of our Statute, by endeavouring ſomewhat which poſterity might reap the benefit of; which being at preſent not in a capacity to do, by gift of Lands, or any conſiderable ſum of Money, all I had left within my power, was onely to appear here as the Colledges ſervant, in the vindication of our common-liberties, then which, ingenuous ſpirits know not a more precious treaſure upon Earth.

Thirdly, 'Tis a thing well known to all I have ever converſt with, that I have ever ſince the firſt beginning of theſe civill wars, and that in the moſt

even of the Parliaments party ſtood inclinable to a defection, been to my poor ability, and in my narrow ſphere, a zealous aſſertor of the Nations liberty, againſt the prerogative of the ſupreme Officer of State, then in War againſt us: And therefore, if upon the ſame principle I now ſhew my ſelf more then ordinarily forward in aſſerting the liberties of our particular Common-wealth, againſt a parallel tyranny; I hope my boldneſs will find the eaſier pardon.

This I have been neceſſitated to premiſe, in anſwer to thoſe evill ſurmiſes which you hear have been rais'd, and objected, as of great conſequence againſt the Title of the Petition, and more might be added; but ſeeing this Committee hath been ſo juſt and honourable, as waving all reſpect of perſons, to take the matter it ſelf into your grave conſiderations, I ſhall now wholly apply my ſelf to the matter in hand.

The Petition is large, but may, *in ſumme*, be reduc't to theſe two heads.

Firſt, a Preamble, conſiſting of a Concatenation of divers motives for enforcement of the Petition.

Secondly,

Secondly, The Prayer of the Petition it ſelf.

The Motives are many, and of great weight.

You have in them,

Firſt, a general Propoſition of thoſe great miſchiefs which the common experience of all Ages, Places, and Nations teaches us do ariſe from the chief Officer of any Corporations being intruſted with a power diſtinct from, and ſuperior to that of the community. 'Tis both the true characteriſtical badge of ſlavery, and the chief fomenter of jealouſies and contentions: For whereſoever 'tis ſo, there's alwayes a particular intereſt of the governing power ſet up diſtinct from, and moſt what contrary to that of the publike, then which nothing can be more deſtructive to the welfare of any Community: the truth of which Maxime we have had a feeling proof of in the ſad ſeries of thoſe evils which have lately ſprung up in this Nation from the claim and exerciſe of this power by the chief Officer of *Englands* great Corporation: 'Twas that which had like firſt to have plung'd us into the depth of ſlavery, and

and did afterwards engage us in a bloudy war, the juſtice of which war can never be ſolidly maintained by the aſſerters of a Negative Voyce. For my own part, this was to me the great convincing Argument of the *Scots* Apoſtaſie from their firſt Principles, and from the cauſe they were with us engag'd in, when I ſaw them in their Manifeſto plead ſo openly for the upholding of this great branch, or rather ſtock, and bulk it ſelf of the royal Prerogative.

2. You have for confirmation of this truth the judgement of the whole Repreſentative of *England*, and thoſe that have moſt cordially appear'd with them in this cauſe, eſpecially of the now governing power, which hath always declared this power in the King of a moſt dangerous and deſtructive nature to the weale publike, and inconſiſtent with the Nations freedom. And the Army in particular, when we were not yet attained to that wiſe and generous reſolution of removing the Kingly Office as well as his Perſon, did in their grand Remonſtrance propound it as a neceſ-

ſary article for the ſecuring of our

Liberties, that whoſoever ſhould, upon the removal of the late King, be admitted, though but by election, to ſucceed him, ſhould before his admiſſion diſavow all claim to a Negative voice.

3. You have preſented to your view a more particular declaration of this preſent Parliaments judgement in this point, in reference to a particular Corporation: Thoſe evils which the whole Nation had formerly groan'd under, there was a critical time when the City of *London* felt the ſame pangs of the ſame diſeaſe ariſing from the ſame fountain of corruption: the chief governour of that City exerciſing that power in his own Corporation, which himſelf with others had declar'd and fought againſt in the ſupream Officer of the Nation; whereupon this Parliament was pleas'd to remove that prerogative, and provide them this very way now petition'd for, of acting as a free Body in caſe of need, without the chief Officers concurrence.

4 The fourth motive humbly propounded to your conſideration, is the great miſchiefs which have redounded to our ſmall Corporation, from the exerciſe

ercise of this arbitrary power by our chief Officer: But of this theme, because 'tis very large, and will need much interlacing of proofs and examination of Witnesses, I shall treat, if need be, in the last place.

5. The fifth, and that the most generally convincing motive of all, is from our local Stature which I read to you, when I was here last before this Committee, which runs in these words.

'*Quia quod à pluribus quæritur, facilius invenitur, & consulendo dicit Sapiens, Omnia cum consilio fac, & minimè pœnitebit: statuimus injungendo, nè cùm arduæ domus emerserint negotia, Magister capitosè suæ prudentiæ imitatur, sed omnes Scholares convocet, & emersa negotia exponat eisdem, & super illis quærat consilium singulorum, nedum seniorum, sed juvenum, cùm donet juniori Deus aliquoties quod non seniori: sed si in unam conveniant sententiam, bene quidem sin autem, numero stetur majori, etiam & saniori.* Because that which is sought of more is easilier found; and the wise man advises us, saying, [do all things with Councel, and it

shall

'ſhall not repent thee.] We therefore 'ordain & enjoyn, that upon the emer-'ging arduous affairs of the Colledge, 'the Maſter do not headily rely upon 'his own prudence, but that he con-'vocate together all the Fellows, and 'lay open before them the emergent 'buſineſſes, and ask the advice of eve-'ry one concerning them, and this 'not of the Seniors only, but Juniors 'too; ſeeing God does ſometime give 'that to a Junior, which he gives not to 'Senior. And if they agree all in one 'opinion, 'tis well, but if other-'wiſe, let them ſtand to the deter-'mination of the greater and ſounder 'part.

Here you ſee our Lawgiver expreſly declares his will, that the Maſter ſhall not prefer his private wiſdom before the wiſdom of the whole, or major part of the Society: and brands ſuch proceedings of his with an imputation of headineſs and raſhneſs: Only ſuppoſing the conſcience of that Oath which the Maſter was to take at his admiſſion would be a ſufficient tie to a ſtrict performance of his will, thought it needleſs to eſtabliſh his Law by any penalty, or to point us out a way of acting without

him, which is the defect we now desire a supply of.

In those times, when a plain, honest, and conscientious simplicity bore sway in mens hearts, and wickedness was not so ingenious as it hath since proved in our times, a few rules sufficed to preserve righteousness and peace amongst men: The Laws were then (as the Mosaical Law) like those wide-window'd Nets our National Statutes prescribe for hindering the destruction of the young fry of fish: but afterwards the corruption of mans nature spinning out it self to such a subtilty as to find easie Evasion through those spacious grates, 'twas found necessary in every Age to make an intertexture of new threds, and cross bars for the intangling of those subtiller Offenders: Now therefore this which is propounded unto you being of this nature, not purely a new Law, but only a new way laid down (agreeable to what the wisdom of Parliament had prescrib'd in a parallel case) for the more sure and effectual execution of the old established Law of our Founder, ought in reason to find the easier admittance.

Only

Only there is one Objection or two of ſome weight which I muſt crave the patience of this honourable Aſſembly, to give me leave to diſcuſs, for the fuller clearing of all doubts, which may perplex the queſtion.

The firſt is, that our Founder, where he ſaith the Maſter muſt *numero ſtare majori*, adds [*etiam & ſaniori*,] whence ſome may perhaps infer, that 'tis left to the Maſter to judge which is the ſounder part, and ſo if he relinquiſh the major part, and follow their advice whom he judgeth the ſounder part, he tranſgreſſeth not. But that this was an expoſition far from our Lawgivers intention, I ſhall demonſtrate by theſe Reaſons.

First, It's apparent the Founder intended this Statute mainly as a proviſion againſt the Maſters ſelf-wiſdom, upon which he ſayes, he ſhall not rely. Now therefore if the Maſter refuſe the major, and adhere to the minor part, only becauſe in his judgement the ſounder, he does in effect rely upon his own prudence, which is the thing our Founder forbids.

Secondly, If the judgement of the ſounder part be left to the Maſter,

the word *majori* may as oft as he pleaſes be made a meer non-ſignifi-cant Cipher. If the Maſter propound a buſineſs to the whole number of Fellows, which is fourteen, and can get but two or three (then which nothing is more eaſie) to ſide with him, he may call thoſe few men the only ſound men of the Society, all the other eleven or twelve ſhall be eſteemed as factious or frantick, becauſe of their advice not ſuiting with his ends; and ſo that obſcure word [*ſaniori*] ſhall, like one of *Pharaohs* lean Kine, ſwallow up the word *majori*, though fairer and better liking, into its inſatiable ſtomack. So ſhall the Maſter, contrary to the Founders will be made by his own eſtimate the *Solus ſapiens*, and ſupream Lord. The Fellows, they are flattered with a ſpecious ſhew of liberty and co-partnerſhip in the Government, but are indeed like meer School-boys (ſuch would the King have made the whole Parliament) called together to a poſing, not voycing, in which they muſt either comply with the Maſters will, or have their advice rejected with ſcorn, and themſelves diſmiſſed with infamy, as crack-brain'd and unſound men.

Therefore

Therefore this being an interpretation so full of contradiction and inconsistency both to the general current of this Statute, and particular contexture of the sentence it self, the word *saniori* cannot be so understood, but is either a meer word of formality, or to say the most, was added only as a *Proviso*, where 'twas impossible to determine which was the major part, as where the number of Fellows on both sides was equally divided, that there the Master might encline to that part which he should judge the sounder.

But that by the word *saniori* is not meant at all a reference to the Masters judgment, but that 'twas rather a meer word of form affected by the solemn gravity of those times, will appear several ways. As,

First, From our eighteenth Statute, where our Founder, treating of license to be given to two of our Fellows to travel, shuffles the Master and Fellows all into one pack, and says, that they (the Master & Fellows, or the major & sounder part of them,) shall have power to give this license. His words are these, '*Nos principaliter hoc attento,* '*dictis Magistro, & Scholaribus potestatem*

'*tem & licentiam impartimur : quod* '*ipſi vel ſaltem major pars, & ſanior* '*eorundem, ſi hoc Domui & Scholaribus* '*expedire viderint, unum vel duos Scho-* '*lares domûs hoc petentes, ſi ad hoc ſuo* '*judicio fuerint habiles licentiare va-* '*leant.* We principally looking at this 'end, give this power and liberty to the 'ſaid Maſter and Fellows, that they, 'or at leaſt the greater and ſounder part 'of them, if they ſhal ſee it expedient for 'the good of the Houſe and Society, may 'give licence to ſuch one or two of the 'Fellows as ſhall deſire it, if in their 'judgement they ſhall ſee them able 'and fit for it.

Here you ſee the Maſter is cleerly levell'd as one man with the reſt of the Society: The expreſſion runs not, as in ſome Statues, '*Magiſter & maior ac* '*ſanior pars Scholarium*, but *maior &* '*ſanior pars Magiſtri & Scholarium*, not 'the Maſter and the greater and ſoun-'der part of the Fellows but the greater 'and ſounder part of Maſter and Fel-'low sput together: ſo the Maſter being here made a party in the Scrutiny, is incapable of being a Judge in the ſame: & therefore in all probability the word *ſaniori* is, as I ſaid, put in by the Founder only

only as a word of course, a meer *Synonima*, an expression affected by the gravity of those times in which he lived.

And further, that this is no bare conjecture of mine, but rather a truth evidenced with us by experience of all times, the first of all the University Statutes entituled, *De modo Statuendi*, which I have here copied out of the Proctors Book, will make it very evident.

That *De modo Statuendi* runs thus:

'*Authoritate totius Universitatis* '*Cantabrigiensis tam Regentium quàm* '*non Regentium, ordinatum est, quod in* '*Statuendis rebus & negotiis utilitatem* '*communem dicta Universitatis concer-* '*nentibus solum illud pro Statuto habea-* '*tur, quod de consensu majoris &* '*sanioris partis dictorem Regentium, &* '*de consensu non Regentium fuerit decre-* '*tum per Statutum.*

That *de modo Statuendi Authoritate*, of the manner of making Statutes, runs thus:

'By the Authority of the whole Uni-'versity, as well Regents as Non-'Regents, 'tis ordain'd, That in the 'decreeing and determining of busi-'nesses concerning the common profit

'of the ſaid Univerſity, that only ſhall 'be reputed a Statute which is decreed 'by Statute, with conſent of the greater 'and ſounder part of the ſaid Re-'gents, and with conſent of the non-'Regents.

And I have here ready to produce, if need be, a ſufficient number of preſidents ſhewing the obſervation of this Statute in ſeveral ſanctions from time to time, all which bear the ſtile of the major and ſounder part of Regents and Non-Regents: yet the conſtant tenour of our Univerſity proceedings witneſſes that the major and ſounder part were never look'd at as two diſtinct notions, and left to the Vicechancellors or Proctors diſcretion to determine of; but that the major part was always (and as I can prove by another Statute ought to be) adjudged the ſounder, and whatſoever was decreed by the major number of voices, paſt always for an act of the Univerſity without exception. And for the truth of this aſſertion, I appeal not only to thoſe of our Society, men of great ſtanding, here preſent, but to all that ever have long reſided as Maſters of Art in the Univerſity: yea, and to Doctor *Seaman* himſelf, if he has

ſeen

ſeen ſo many Congregations as to make him a competent witneſs in this matter.

So the advantage of that expreſſion for the aſſumption of a negative voyce being now I hope clearly remov'd, I ſhall proceed to the laſt objection urg'd, and chiefly relyed upon by the Maſter, which is, that the Univerſity Statute allows all Maſters of Colledges a negative voice.

The Statute for your memories ſake I ſhall again rehearſe.

'*In omnibus & ſingulis electionibus*
'*tam Sociorum, Diſcipulorum, Scholari-*
'*um, Officiariorum, Lectorum, reliquo-*
'*rumq; membrorum cujuſque Collegii,*
'*quàm in omnibus & ſingulis locationi-*
'*bus, & conceſſionibus quibuſcunque*
'*neceſſariò requirendus eſt Magiſtri ſive*
'*Præpoſiti illius Collegii aſſenſus &*
'*conſenſus.* In all and every Election,
'as well of Fellows, Scholars, Offi-
'cers, Lectures, and other Members
'of every Colledge, as in all and every
'letting and conceſſion whatſoever,
'the aſſent and conſent of the Maſter
'of the Colledge is neceſſarily to be
'requir'd.

This is as much of the Statute as concerns

concerns the question in hand.

This Statute will, I know, to all that read it at first sight seem an Argument invincible.

But I shall notwithstanding crave leave to say somewhat in answer to it, not doubting but before I have done I shall make it appear as contemptible, as now it seems formidable. As,

1. First, That every Colledge being a distinct Corporation by it self, and Laws prescribed for its Government by him that founded or endowed it, it may well be questioned whether those Laws of any of them can be taken away or superseded by any general Statute of the University: And this I do the rather question, because the University hath in former Statutes shown it self very tender of the infringement of the particular Statutes or Customs of private Colledges; as appears by the last clause of a Statute 'de expulsis in aliud Collegium non recipiendis, Of expell'd men not to be 'receiv'd into another Colledge; which Statute though in it self most rational, and fit to have a binding power over all, yet did not the University think fit to pass it without this additional

additional *Salvo*, ‘ *Neq; intendimus* ‘ *per præſens Statutum, Statutis, Con-* ‘ *ſtitutionibus, Compoſitionibus cæteriſq;* ‘ *Collegiorum, in aliquo derogare:* Nor is ‘ it our meaning by this preſent Statute ‘ do derogate ought from the Statutes, ‘ Conſtitutions, and other Compoſiti- ‘ ons of particular Colledges.

Beſides, it hath formerly been the declared Opinion of ſome of the wiſeſt of our Univerſity, that the Vicechancellor, who is our chief Officer in the Government of the Univerſity, cannot exerciſe his Juriſdiction within the wals of a private Colledge.

Now it ſeems irrational to think that the Univerſity Statutes ſhould claim a Power paramount to the local Statutes of thoſe places, where yet the chief Officer entruſted with the execution of thoſe Laws that lay claim to this ſupremacy, can finde no entrance.

2. Our Colledge Statute is of a far ancienter ſtanding then this Univerſity Statute; and therefore though this of the Univerſity ſeems to thwart it, yet being made without any clauſe of a *non obſtante*, the Colledge Statute lies unrepealed, and therefore in full

full force, especially our Colledge Statutes being revised and confirmed at the same time with the University Statutes, and by the same Visitors, as I shall, if it be thought needful, make it appear.

3. This Statute is none of our ancient Statutes of the University, but one of very late standing, no ancienter then the tenth year of Queen *Elizabeths* Raign, for in all our Statutes till that time (as I am well able to say, having lately searched the Proctors book to that purpose) there appears no footstep of it; nay not in the first new model of our Statutes, which was made *primo Elizabethæ*. For our Reformers being then but newly come out of the furnace of the Marian persecution, were not yet mounted to that heighth of ambition: but about ten years after growing warmer and fatter in their great preferments, the Heads of Colledges did its likely upon plea, that our University-statutes were not enough refin'd from Popery, and that new Diseases stood in need of new Remedies, got a revivall of the commission granted formerly *Primo Elizabethæ* for another new modelling of them, in which, though

though for pomps ſake the Commiſſioners appointed for that work were ſome of them, as *Cecil*, *Cook*, and *Haddon*, of the Queens privy Councel; yet the reſt of them being Doctors of Law, Phyſick, and Divinity, and two of them Divinity Profeſſors of the Univerſity, no man that is not blind, and knows not how little leiſure thoſe greater Stateſment had to labyrinth their brains with all the tedious *anfractus* of that Theority, but will ſay that the main Engines, and the very both firſt and ſecond movers in this laſt new Model, were the Heads of Colledges alone; and they having now gotten this ample power into their own hands, did, together with the publick Reformation, cunningly interweave their own private advancement; and in purpurging us of Popery, did, like thoſe *medicamenta maledicta*, emunge the body of the Univerſity of ſome of their moſt eſſential and fundamental priviledges.

As for example,

The choice of a Vice-Chancellor, which was before in the whole body of Regents, they got in this Reformation a Monopoly of it to themſelves, ſo as

the

the body of the University hath only left them a bare superficies of election, but the substance they got into their own hands; for by this new Reformation, they got themselves the nomination of two, one of which the University is necessitated to elect, and if they doubted of him, whom they desired to have elected, 'twas but nominating some one distasted or contemned man for a stale, and then they were sure to carry it for such one of those two nominated, as they should think fittest.

2. Another great priviledge, whereof they deprived the Body of the University, was the interpretation of Statutes, which before, except in a few cases, was as well as the making of Statutes in the body of the University; but in this new Modell, the heads got a Monopoly of it intirely to themselves.

And if I mistake not that strange Statute of the *Caput Senatus*, consisting of the Vice-Chancellour, and five others chosen by the heads of Colledges, and the two Scrutators out of fifteen persons nominated by the Vice-Chancellor, and Proctors, and all this choise without the least advice

or

or privity of either of the two Houſes, and theſe five men entruſted, every one with more then a Negative voice (for nothing, be it never ſo juſt or neceſſary to the common good, or of particular perſons, can be ſo much as propounded to the Houſes, till every ſingle man of theſe hath given his poſitive conſent) is of the ſame date. If but one of theſe deny, though giving no reaſon, the concurring voices of the vice-Chancellor, and the other four are of no force, the motion is ſtifled in the very cradle, a thing of no rare practiſe among us; *Now this Statute, if conſidered in its full latitude, will I think, be found of no longer ſtanding then that new model. Something there was of a like nature before, but if compared with this, will be found

* *Hence comes it, that the Univerſitie Officers cannot without great difficulty hinder an unworthy man of his degree: For that dunce or Rakehells friends whom they deſire to ſtop, ſhall oft procure ſome one of theſe abſolute Seigniors to make uſe of his Negative in cauſleſly ſtopping all the Commencers of that whole year, till his Dulman be ſuffered to paſs out among them.*

found vaſtly different: For that had for its object onely *tempus & formam*, but this, Conceſſions of all natures: in that the negative was in three, here in any one.

And laſtly, to fill up the meaſure of their iniquity, thy did likewiſe as much as in them lay, defraud thoſe Societies, where the Founders had inricht them with that unvaluable treaſure, of their precious liberties; and with their ſpoyls, ſacrific'd to their own ambition, made every Maſter of a Colledge an abſolute Monarch, and the Societies their Vaſſals.

Thus miſerably were the poor Fellows of Colledges deluded and oppreſſed; but to complain was no boot.

Theſe mens potency at Court was ſuch, & ſuch was the reverend eſteem had of them there, that to have ſpoken ought in derogation of them, or their proceedings, would have been deemed blaſphemy, but eſpecially for one of no higher condition, then a Fellow of a Colledge to have appear'd in publick in his Ruſſet-Coat againſt theſe grand ſilken Rabbies, had been to have expos'd himſelf only to laughter or ruine.

But

But the Court-prerogative, the root of all these oppressions being now dig'd up, these excrementitious branches will, I hope, be thought fit to be remov'd with it: besides nature teaches us, that each evil is best cured by its contrary: therefore it having been laid open clearly before you, how the Monarchs connivence at the fraud and corruption of its Representatives was the cause of this distemper'd mutation: We hope for cure from the vigilant sincerity of our true Republical-Magistrates, by the anullment, if need be, of that Statute, and restauration of each Colledge to at least that ancient wholesome *Crasis* of Liberty it was created in by its first Founder.

I speak not this to cast any the least prejudice upon that good work of Reformation in Religion, for which I cannot but say the Nation owes much thanks to the endeavours of all those Reverend divines, that were so happy instruments in it. But we see the experience of that proverbial sentence, *Nullum magnum ingenium sine mixturâ insaniæ*; the best of men are but men. This Whole World, and the heart of every man in it, is nought else but a

Champaigne,

Champaigne, where good and evill, light and darkneſs contend for victory; and ſo where God hath his Church, the Devill will erect his Chappel as a Fort to lay battery againſt it. So in all Reformations the greateſt inſtruments in it will alwayes (if they be not by themſelves, or others narrowly look't to) carry on ſome deſign of their own private, an attendant at leaſt, if not corrivall to that of the publick. Beſides, we know how the people of God, who immediatly upon their deliverance from *Pharoah*, and the Red-Sea, did nothing, but in humility of heart, worſhip and ſing praiſes to God their Deliverer, were obſerv'd afterwards upon a little proſperity to have forgotten God, to have waxen fat and kick'd. And of our Reformers, about that *Decade*, it may juſtly be queſtioned, Whether their zeal in preſerving the Reformation begun, were more to be commended, or their ambition in obſtructing its further progreſs and perfection to be condemned.

But above all I deſire to be underſtood, not to intend any the leaſt reflection of blame upon thoſe reverend Gentlemen and Miniſters, the preſent Heads

Heads of Colledges in our Univerſity, for as they had no hand in procuring of thoſe incroachments; ſo neither that I know of, have they ever made ill uſe of that power which their Predeceſſors ambition had purchas'd to their hands: For though they have, by the laſt Statute I told you of, the full power of interpretation of Statutes within themſelves, and there was a time, when they might have uſed it with applauſe, in that excellent interpretation of our Univerſity Oaths, whereby mens conſciences, indanger'd to perjury upon every penal ſtatute, were much eas'd, yet to my beſt remembrance, they did not aſſume to themſelves, but yielded to the whole body of the Univerſity the honour of alleviating this grievance.

Nay, this I muſt needs ſay, to the honour of all thoſe Heads of other Colledges, except our own, that I conceive 'tis nothing but their honeſt and prudent carriage in their ſeveral charges, which is the cauſe that none of the Univerſity (none having the like particular cauſe of complaint) appear as yet in this cauſe to deſire thoſe proviſions againſt Tyranny, petition'd for

for in our Colledges; For 'tis not evils in *posse*, though of the neareſt probability, but thoſe in *esse* that ſtir up the generality of men to the invention of remedies. In other Colledges where the Maſters have by ſtatute or cuſtome a negative voyce. yet they have choſen rather to wave ſometimes their own, not intereſt onely, but judgement too, then make uſe of it, and in the very propoſitions of queſtions to be ſwayed by the publick reaſon of their Societies.

And if our Head had behav'd himſelf with the like candor and moderation in his Truſt, you had not I think been troubled with theſe tedious diſputes at this day: but our Head, though as you have heard, denied a negative voice by our Law-giver, will yet uſurp it, propounding only what he pleaſes himſelf, and after the vote paſt, following his own, not the common prudence of the Society, as ſhall be amply proved (if need be) in its proper place. Beſides, we having in the general courſe of this mans Government, obſerv'd nothing of a publike Spirit, aiming at the common good, but rather a conſtant tenor of

cloſe

close dissimulation and greedy intentiveness upon all advantages of not onely holding fast in every punctill'o, but advancing still further the grand interest of his power and profit; and that as far as humane wit could guess of mans heart by its fruits, the two great poles of his whole revolution were dominion and covetousness (of which upon many sinister dealings of of his, there's not three men of all our Society that have been the constant observers of his Colledge-transactions this seven years but have at one time or other exprest their deep resentment) this is that hath occasion'd this extraordinary petition for a just restraint of this exorbitancy of an assum'd power within those bounds our Law-givers wisdom had prescribed to it, with some concurrent helps for the surer execution of his declared will: "*Ex malis moribus ortæ sunt bonæ leges.* 'Tis the greatest glory of good Magistrates, that they can, in imitation of him whose image they bear, bring forth good out of evil, light out of darkness; and like the Sun in the Firmament, produce good Laws an equivocal brood out of corrupt manners.

These

Theſe things I thought it convenient by way of diverſion to ſuggeſt, not that the cauſe ſtands in need of it, but onely to open your eyes, that you might ſee how this Antichriſtian myſtery of the negative voice began its working betimes, even neer the Apoſtolick dayes of Reformation.

For to the very letter of the Statute as it ſtands, I am not without a very ſatisfactory anſwer.

For it ſays not poſſitively, that all Conceſſions, Elections &c. ſhall be Null which want the Prefects conſent; but that in all Elections, Conceſſions, &c. the Prefects conſent is neceſſarily to be required. Now we know that that word is of the ſame nature with *Poſtulo* in Latin, and ſo implies rather that the Prefects conſent is to be required of him *de jure*, as a right, then begg'd as an act of grace, as if the Societies conſent without his *Le Roy le veüit* were of no force.

And this anſwer in theſe times wherein all Statutes ought to be interpreted in favour of liberty, as they were formerly in favour of Prerogative, might alone ſuffice. But I ſhall add

add another of more convincing evidence; which is this.

That granting the intent of this Statute was to make the Maſters conſent a neceſſary ingredient to the compoſition of each Election or Conceſſion, &c. yet it abſolves them not from that obliging power which lies upon them by any of their local Statutes to conſent to what is advis'd by the major part of their Societies, but that by refuſal of ſuch conſent they incur the guilt of perjury and breach of truſt, or ſuch other penalty as their Founders providence hath allotted for the eſtabliſhment of that Law; and therefore this obligation to conſent remaining ſtill in full force, ſuppoſes in the major part the Prefects conſent legally involv'd and included.

As to compare the greater with our ſmaller controverſies, the Kings conſent was alwayes ſuppos'd to be legally included in the major Vote, even of the moſt petit Tribunal, much more of the grand Judicatory of the whole Nation, though never ſo much perſonally diſſenting: which principle hath been always eſteem'd one of the main pillars of our cauſe, upon which alone

we might lay the whole ſtreſs, of not onely the juſtice and lawfulneſs, but even legality of our war. But this man who no doubt hath more then once with our once-Brethren of *Scotland* voted the King a man of Blood, and guilty of all the Bloodſhed of this war, for endeavouring but to aſſert this power to himſelf (though far more favoured by the ſtanding Laws of the Kingdom at that time, then with us by our Statute) yet hath not ſcrupled to do the ſame thing himſelf, both in his particular practiſe in the Colledge, and by his appearance here with all his intereſt and wit to maintain this prerogative.

But to return to the Point.

This Point having been fully clear'd up to you out of our local Statute, that our Maſter is bound to conſent to the Vote of the major part, that expreſſion of the Univerſity Statute will now I hope create no prejudice.

And this anſwer may likewiſe ſatisfie another argument for the negative voice, which may poſſibly be drawn from our Statute of Elections, which requires *Conſenſum Magiſtri, & majoris partis ſociorum*, and ſome others

others running in the ſame ſtrain. For the true ſenſe of that Statute *de arduis* being now fully clear'd, makes it apparent, that in the conſent of the major part of the Society, the Maſters conſent alwayes is, or ought to be included.

And now having I hope removed all doubts and objections, I ſhall deſire leave to ſpeak a word to my ſixth Motive for granting my Petition, *viz.* the danger leſt this root of corruption left among us, ſhould hence ſpread it ſelf again to infect the whole Nation. This I confeſs may ſeem at firſt ſight but a meer flouriſh of Rhetorick, or far-fetcht ſtrain of Melancholy; but I ſhall make it appear there's much of reality in the aſſertion.

'Tis an humour you all know the moſt of mankind are much incident to, to labour the promotion and propagation of the forms, opinions, and cuſtoms of thoſe places where they live, eſpecially where they have been train'd up in their younger years; and therefore it was the policy of the Contrivers of our former Government (as knowing that that Government could never be durable, which had not its image

ſtampt upon the peoples affections) to ſet up the image of that univerſal Government of the State in every petty combination of men. Hence as a reflected image of the then-preſent Government by King and Councel, King and Lords, or King and Parliament, was ſet up that Government of Corporations by Maior and Aldermen, Dean and Chapter, Maſter and Fellows; and in Corporations, Maſters and Wardens of particular Companies; all which were nothing but the general frame of the State-Government contracted as to the matter onely into a narrower compaſs; and this was that that fixt the love of Monarchy ſo faſt in the affections of moſt Corporations, that had it not been that the King had diſpleaſed ſome of the greateſt of them by hard impoſitions upon them in way of their Trade, and withall let looſe his Biſhops to exerciſe their tyranny in trampling upon the faces of their reverenc'd Miniſters, they had never been brought off to draw ſword againſt their Prototype; and after they had done it, its obſervable how prone the great ones among them were often to defection, and how

zealous

zealous in ſhewing their diſtaſte at the removal of that great Idol; of all which the King was very ſagaciouſly ſenſible in the beginning of theſe wars, when in a propoſal of his to part with the Militia upon ſome proviſoes, yet would by no means conſent to take the Militia's of Corporations out of their own hands: yet were not the Chiefs of thoſe Corporations ſuch perfect images of Monarchy, as ours, either for power, or durance; thoſe were indeed but ſhadows of it: but ours in regard of their continuance in truſt, during the term of their lives, were its living Images, wanting nothing but an eſtabliſhment of it in their poſterity, which yet they bid fair for too, in that new *Elizabeth*-Reformation, wherein they did in a poſitive inhibition of Fellows from Marriage, handſomly imply a leave indulg'd to themſelves.

But it may be ſome will look at this Argument as a great Mallet lifted up to kill a Fly: Our Corporations you will ſay are ſmall, and inconſiderable, a meer Synedrion of young Youths, or handfuls of poor contemplative men ſyſtem'd up for Orders ſake into the form of a Corporation; what good

or ill can redound from these to the whole Nation?

But I shall easily make this appear to be a misprision, and that there will be more and greater danger from neglect to remedy this evil in our smaller bodies, then from the most populous City of the whole Nation.

For our Corporations, though but small in bulk, are like those grains of Muster-seed our Saviour speaks of, of a vast, comprehensive and multiplying capacity. The members of those great Corporations, are men its true of abler purses, and stronger bodies for the present State-Service; but their abilities are confin'd all within the narrow bounds of their own territory; but ours are Seminaries of able wits which are sent to us from all parts of the Nation, in the very nick of their first emersion from the slavery of the Ferula into a state of liberty, at the first putting on of their considering caps, they being as yet *abrasæ tabulæ*, smooth tables, prepar'd to receive of us those tinctures of good or bad principles; with which impressions stampt upon them, they afterwards spread themselves into every corner and

quarter

quarter to leaven the whole Nation. No man educated among us, but goes away inſtructed for ſome publike truſt, but is in capacity to be an *Abraham*, a Father of many Nations.

Therefore it concerns you very deeply, who deſire not by arms onely, but by principles, to root up Regality, and mold the Nation into a true Commonwealth-frame, to pull down (by taking away its deſtructive power) this image of it in thoſe Fountains of Youths education, leſt the youth of the Nation coming in their ſouls holceſt pregnancy to drink of our waters, enamour'd of that Idol, conceive and bring forth its Antitype as their male to their ſtrongeſt affections and endeavours, to be promoted again to its loſt inheritance, when time and opportunity ſhall ſerve.

And for the ſame reaſon does it deeply concern you to take ſpecial care of the Societies of Colledges, and not give away Fellowſhips, being you ſee places, though of ſmall profit, yet of high truſt to every begger that comes to you with a formal Certificate, much leſs to confer theſe high truſts upon Samaritans, and meer ſlaviſh com-

pliers, but eſpecially to tender their precious liberties as the apple of your eye, to which nothing can be more inconſiſtent, then a negative voyce plac'd in any one man; for let any of the Society approve himſelf never ſo active and induſtrious in promoting the Colledge good, and with his utmoſt pains and skill train up his Pupils to the moſt eminent proficiency in Piety and Learning, yet if he will not flatter, and fawn, crowch, and cringe, and comply with this one great Monarch, even to a betraying of the common Freedom to his corrupt ends of pride or covetouſneſs, he lives an unſerviceable man, and all thoſe educated under his charge are put into an impoſſibility of ever attaining that preferment their deſerts ſhall make them capable of. Though the whole community, or far greater part judge them worthy of it, one mans *non placet* ſhall blaſt all, and how great a temptation this will be even to ſome not diſ-ingenuous men (being not willing to expoſe thoſe under their truſt to contempt and beggery) to worſhip the Image of that great beaſt, I leave to your wiſdoms to judge; as likewiſe, whether ſuch an

impreſſion

impreſſion of ſlavery fixt upon the ſpirits of Fellows of Colledges, be not like to impreſs its counterfeit upon thoſe educated under their truſt, and by their means upon the greateſt part of the Nation.

Another motive give me leave to preſent you with, which though omitted in my Petition, is of great conſequence, being drawn from the Principles of univerſal reaſon, which will ſay, that every particular mans intereſt of the Society being every way equal to that of the Maſter, nay in ſome reſpects far greater, (for the Maſter is but one ſingle perſon; but every Fellow having Pupils under his charge, is a kind of Corporation by himſelf) 'tis a thing contrary to common ſenſe that his one voyce ſhould be laid in the ballance to overſway the major part of the Society.

There was once a Cuſtom in ſome Corporations (of which our ſelves have yet in our Colledge ſome ſhadows left) that not the Warden or Maſter onely, but every ſingle man of the Society had a negative voyce, which upon this very ground, as contrary to the common Law of the Land, *i.e.* to

common Reason, was taken away by an Act of Parliament, 33. *H.* 8. onely I conceive in tenderness to the Prerogatives of Monarchy, much favour'd throughout the whole body of our Laws, the Statute was so pen'd, that the Mayor, Master or Warden had his negative left him; but now we have no Monarchy, whose Priviledges we ought to be tender of, and there's every way the same reason, nay far more, for devesting the single Warden of his negative, then for taking it away from so many members *conjunctim*, as may amount neer the half of the Society.

One word more I desire to add as an enforcement of my Petition, that of all Masters of Colledges in the Town, there's least reason the Master of our Colledge should claim to himself this grand Prerogative of a negative voyce; for the whole burthen of the Colledge-government hath for all these seven years layd wholly upon the shoulders of the President and Fellows.

The Master hath held his place now for about seven years, yet he hath never once that I know of resided among us for six weeks, nay, not one moneth, seldom

ſeldom above a fortnight together at one time; hath ſeldom or never viſited us, but when he was neceſſitated to it, either to ſupply his courſe in the Univerſity-Church, or to audit our Accounts, and receive his money: All his ſhort viſits put together for this whole ſeven years, will not mount to one years continuance.

For which prodigious abſence of his from his charge, all he can ſay is onely his being Benefic'd in *London*, or an Aſſembly-man, or that he hath been employed in Colledge affairs.

Now for Colledge-affairs, In thoſe we have, its true, made ſome ſmall uſe of his being at *London*, but never impow'red him to reſide at *London* for that purpoſe; nor was there need; for nothing was ever done by him, which a common Solicitor for a ſmall fee would not have performed as well, or better, eſpecially being ſufficiently furniſht with his inſtructions or Letters to Councel at Law, or ſuch great men as were to have addreſſes made to them in caſes of need.

And for his Benefice and Aſſembly-man-ſhip, there's no reaſon either of them ſhould be a protection to ſave him

him from an Arreſt for that debt of Reſidence he owes the Colledge, from whence he has had ſo conſiderable ſubſiſtence; for one of them being a place (by common fame) of one, if not two hundred pounds a year, the other of four ſhillings a day; it ſeems not very reaſonable, that one ſo much againſt Pluralities, ſhould enjoy the revenue of all three places, and bear the burthen but of two. For he hath all this time of his diſcontinuance laid in a manner the whole burthen of his Colledge-Office upon the Preſidents back, not allowing him for his pains ſo much as one penny.

Beſides, it may be anſwered, that all the other Maſters of Colledges, who yet were many of them Aſſembly-men as well as he, have been far more conſtant continuers at their reſpective charges and have ſome of them as I think relinquiſh't conſiderable Benefices they were poſſeſt of otherwhere, that they might the more ſolely attend their charges at *Cambridge*: And I'am ſure ours hath not wanted all the encouragement we could give him to enable him to it, having out of our common poverty

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conniv'd ever ſince our coming to the Colledge at his taking a double portion of our Dividend, though neither allowed him by our Statute, nor any conſtant precedent beyond the ſecond year of Doctor *Cofins* his time.

Now that this man who is apparently of no uſe to the Colledge, whoſe ſervant he ſhould be by the conſtitution, but reſides at *London* afar off, making uſe of the Colledge onely as a prey, and his title onely as a hook to draw power and profit to himſelf, knowing little but by hearſay of the ſufficiency, or inſufficiency, good or ill behaviour of each Member of the Colledge, ſhould be thought fit to have a power ſuperior to the Society, who to their great charge reſide upon the place, and bear the whole burthen, 'tis a thing beyond the comprehenſion of a vulgar underſtanding.

I have now done with all my motives.

As to the Prayer of the Petition: having ſo amply expreſs'd my mind in it, I need not add much by way of Expoſition or Apology.

Only this:

'Tis not, as ſome may perhaps ſuggeſt,

geſt, a fancie or new Model of my own brain, but 'tis a Model approv'd of in a parallel caſe by the reaſon of the whole Nations Repreſentative. It concerns every Member of this honourable Aſſembly more then my ſelf, to make it good; for 'tis nothing elſe from point to point, but a Series of ſuch particulars as the wiſdom of the whole Parliament judg'd neceſſary for the circumſtantiating that freedom which the City of *London* were debarr'd of through the like want of proviſion in their Law: change but the name of *London* for *Peter*-houſe, ten of their numerous Common-Councel for two of our ſeven Seniors, and their [at any time] for our within 48. hours, and this draught will prove wholly the ſame with that Act of Parliament.

Nor could leſs have been well deſired for taking away that hurtful Prerogative I diſpute againſt, which is not the bare name of a negative voyce, but the ſubſtance, *viz.* that ſupremacy of power which our chief Officer claims above the whole or major part of the Community, which is of a Complex nature, and conſiſts of theſe three

three powers, *viz.* 1. Of calling of meetings. 2. Of propoſing of queſtions. 3. Of acting the reſults of thoſe meetings. Any one of which three powers remaining in the chief Officer, makes him as abſolute as if inveſted with all three; and therefore the Parliament ſaw well in the City of *London's* Caſe, that for the removal of that great evil, an eſtabliſhment of all theſe particulars was of abſolute neceſſity.

For to return to our former parallel, grant but to our once-chief Officer of State the ſole power of calling Parliaments, and binding them up to thoſe queſtions onely which he ſhall think fit to propoſe, hee'l not much deſire, or ſtand in need of a negative voice, ſeeing he is able by either of thoſe two former powers, to cruſh in the egg any motion which he ſuſpects may in the leaſt infringe his prerogative, or other corruptions.

So in our leſſer Commonwealth, though you ſhould grant or declare in general terms that the Maſter ſhall have no negative voice and leave him but this power (for want of proviſion to the contrary) that by delay of meetings when moſt neceſſary, or by making

making himself judge of that necessity, or in those meetings by refusing such questions as he likes not, he can keep us from ever coming to a voicing, or if after voicing he may refuse or delay to act our determinations, and yet neither be liable to a sufficient penalty for any of those refusals, nor we through the defect in our Statute inabled to meet, debate, or act any thing without him, he is an absolute Monarch, and has a most firm possession of a negative in reality, however denyed him in words. And for this reason it was that I have been so bold in the prayer of my Petition to be so punctually particular.

Now if any man object that these things granted would be a cause of much tumult, and factious disorders in our Colledge: I answer; The experience of the same in the City of *London* shews the quite contary, where 'tis apparent nothing but the sweetest streams of untity, freedom and peace have issued out of this fountain: For it lies onely as a dormant proviso, like the *major excommunicatio* of the Presbytery, *in terrorem*, never like to be put into Act, except in cases of unheard-

of

of obſtinacie. Whereas on the contrary the want of this proviſion has been the original of all our diviſions: nothing being the more natural fountain of contention amongſt men or bodies politick, then the want of certain bounds aſſign'd to each man or bodies propriety; which made the wiſe Law-giver *Moſes* to denounce ſuch a fearful curſe upon the remover of Land-marks; and religious *Numa* to place *Terminus* the God of boundaries among his principal Deities, and to erect him a Temple, as I remember next adjoyning to that of Concord.

As for the laſt clauſe, which concerns the Maſters and Preſidents abſence, 'tis not only almoſt the ſame with that in the Act for *London*, but was moreover a proviſo fitted more eſpecially to the preſent conſtitution of our Colledge, which hath oft ſtood in great need of it, as I could inſtance in caſes of Conſiderable conſequence.

And beſides that, the making of ſome ſuch proviſion is a thing moſt agreeable to our Founders will, who ſays expreſly that the Colledge ſhould not *defenſore, & reflore carere*, the thing I aym'd at in this Propoſal, was the

Preſidents

Presidents ease, and the Colledges convenience: for as I told you before, the Master being almost a constant non-residents, and having power by Statute to make President whom he pleases (which President is charg'd with the whole burthen of his Office) it will oft happen that this President must either necessarily suffer much prejudice in some affairs of his own, requiring his presence otherwhere, or the Colledge suffer much detriment for want of power to act as a living body in cases of emergent need. For that our Colledge-debates should be packeted up to *London* to a man sitting there in his *regalia*, and looking at us afar off, or that the life of our Assemblies should be derived from the spirit sent from *London* in a cloth-bag, is a thing disagreeable to common equity, and a flat contradiction to our Founders declared will.

All I have to say further, is, that in this draught of my Petition, however displeasing to our reverend Master, I have had no ayms at his prejudice further then was of absolute necessity to state our freedoms, and vindicate them from his unjust usurpations. If I have herein

pre-

prejudic'd any, 'tis rather the Society, by allotting the Maſter ſo much as an affirmative voice, which ſome of us are of opinion that by our Statutes, if well underſtood, he cannot lay claim to. But being deſirous in this matter to walk in an indifferent way, giving each their reaſonable due, and to follow cloſe not mine own, but rather the publike wiſdom of the Parliament for my pattern; I doubt not of finding from them an eaſie pardon of my error.

I have now done with the Petition. There was one motive for its enforcement refer'd to the laſt place, which was by ſhewing how the Maſter of our Colledge for want of theſe proviſions here petition'd for, had debar'd us of our manifeſt rights of treating in a Colledge-way about ſome affairs neerly concerning the common good, and of having our Reſolves put into due execution: And how both particular Members, and the whole Colledge had ſuffer'd much prejudice by thoſe his uſurpations, which becauſe I thought he might poſſibly deny, 'twas for this cauſe chiefly, that I troubled theſe

Gentlemen

Gentlemen of our Society to make their appearance before you. Theſe being they, who (except our Preſident, and one of our Deans left at home for the neceſſary affairs of our Colledge) make up the whole number of thoſe now reſident, who having been preſent at all our former and later tranſactions, are beſt able to bear witneſs to thoſe particulars I ſhall inſtance in.

Yet becauſe I have I think already both overwearied your patience, and laid before you reaſons enough of far greater conſequence for the enforcement of my Petition, my deſire is, that there may rather be a perpetual Amneſty of all our forepaſt grievances, and that our liberties may be ſo ſetled for the future, as each part knowing their due bounds, a true Chriſtian amity may be preſerv'd among us, and this honourable Committee freed from further trouble. And therefore except this honourable Aſſembly, or our reverend Maſter, for the Vindication of his own repute, ſhall impoſe that task upon me, I ſhall wave this Argument, and leave it to your wiſdom to judge what has been already ſpoken.

Onely

Onely to his Argument for the negative voice in ſuch particular caſes wherein he is appointed to conſult with the Deans onely, I can onely ſay, that 'twas not the prime Statute, but an interpretation of Statute made many years after by a ſingle Biſhop of *Ely*, which endowed the Maſter with this Prerogative. And it being beſides againſt the Principles of common freedom, that an Officer conſtituted for term of life ſhould have this vaſt pre-eminence of two of the greateſt Colledge-Officers annually Elected to their truſts, I ſhall in this following Petition which I here preſent you with, as an appendix to my former, crave the aſſiſtance of your Authority for the ſolution of this knot.

TO

The Honorable the Committee
for the Reformation of the
Universities.

The humble Petition of *Charls Hotham*
Fellow of *Peter-house.*

Sheweth,

THat *whereas by our Colledge-Statutes there are about twenty particular cases in which the judgement belongs not to the whole Society, but either to the Master and five or six Seniors, or to the Master and Deans alone, and that in all cases wherein the Master and Deans are solely trusted, being many of them cases of great concernment, the Master had by an interpretation made by a Bishop of* Ely *betwixt one and two hundred years after the Foundation, a Negative voice conferr'd upon him, which however agreeable to the policy of those times, is contrary to the principles and grounds of our present Reformation, and establishment of this Nation in form of a Commonwealth, and much*

much prejudicial to the good and welfare of the whole Colledge:

You Petitioner doth further pray, that the Negative voice of one man in all our Assemblies may be taken away root & branch, and that in all Elections and Consultations whatsoever of the Master with the Fellows, Seniors, Deans, Bursars, or any other, the determination of the major part of those who have voice in that Election, or consultation, may be acquiesced in, as the Act of that Assembly.

And your Petitioner, with the whole Colledge, shall ever pray, &c.

This last clause and Petition concerning the Master and Deans were, though here inserted, yet forgotten to be delivered to the Committee.

My Argument ended, the Master made a long reply, the punctual repetition of which I must leave to his own memory and pen. It touch'd nothing upon any material point of my Argument, But was rather a descant upon my

my Petition, with ſome recriminations, conſiſting to my beſt remembrance of theſe heads.

That he had aſſum'd no power that was not his own by Statute: as was the calling of meetings, &c.

That he had never ſhewn any averſneſs from meetings, nor ever diſſolv'd any, but when the time it ſelf diſſolved them.

That 'its true he had propounded queſtions according to his own ſence, but offer'd to others the ſame liberty of propounding queſtions in theirs.

That we muſt diſtinguiſh between the major part of the whole Society, & the major part of thoſe preſent, which ſometimes being but few in number, were not fit to make Acts obligatory to the whole Colledge.

That the Fellows were the onely men averſe from Meetings, whom he could not eaſily get together, but when there was ſome Leaſe to be let, &c.

That the party Camplainant was himſelf, though Dean, abſent from the laſt anniverſary meeting appointed for reading the Statutes.

That in the clauſe inſerted in his Petition concerning the Senior Fellow's being Preſident, he aim'd at his own promotion, being the next Senior himſelf, and

ſo

ſo deſirous of this power, that in his or the Preſidents abſence he might aſſemble the Fellows about the making of new Models of Government.

This was to my beſt memory the ſum of his reply. To which it might eaſily have been anſwered.

That this ſuggeſtion of my ſeeking the Preſidentſhip for my ſelf, was a moſt groundleſs ſcandal, It never having hapned all this ſeven years above twice that I know of, that my ſelf was the Senior Fellow reſident, which laſted but for a few dayes neither.

Beſides, the Office being a vaſt burthen, and nothing in it deſirable to ſuch eye of ambition or coveteouſneſs as he (meaſuring others by himſelf) ſuppos'd in me, nor my ſelf in any probability of intermedling with that Office, being (contrary to his allegation) neither the firſt nor ſecond Senior of the Colledge, both which, with the Maſter, muſt be all three abſent, before I could be in capacity to act, and that for ſome longer time then ever yet had been, elſe no danger of attempting, much leſs of perfecting any new Model, eſpecially there being but two times a year, wherein the Col-

ledge is enabled to make new, or interpret old Statutes.

For my abſence. That 'twas not about any private pleaſure or buſineſs of mine own, but was ſolely to ſeek a removal, and hinder the further progreſs of thoſe evils brought upon the Colledge by his fraud and breach of truſt, and thoſe large opportunities he hath had of acting thoſe treacheries by his own conſtant reſidence at *London*, and his Proctor with the reverend Beard ſtanding always at the Committees elbows, and being admitted (when all others are withdrawn) to their private debates, and to ſpeak in ſome caſes when thoſe moſt concern'd cannot come in to anſwer, in which though by reaſon of thoſe vaſt diſadvantages I have been unſucceſsful, yet I eſteem'd both my expence of time and pains, and the double my Colledge-revenue well imployed in the endeavour.

That his diſtinction of the major part of the whole Society, and thoſe preſent, was a piece of empty Sophiſtry, himſelf well knowing there was never yet ſince our firſt coming to the Colledge (which is now almoſt ſeven years) a full meeting of the whole number

number of Master and Fellows together, nor can there well be, by reason of sickness, business, or travel allow'd of by Statute, perpetually occasioning some two or three mens absence; so that if he may be allowed this *salvo* for his Negative, he will never want one who shall be absent for his sake.

Besides, he always esteem'd the major part of those present, though not the whole society, valid enough to blind the Colledge where himself was present and consenting; an evident sign, 'tis his own only consent, not the number of those absent or present he chiefly values.

That his accusation of the Fellows as slack in coming to meetings, except in cases of Leases, &c. was a groundless scandal, of which fault himself was onely guilty, having at those great *semestrian* meetings appointed for reading, and considering Statutes, been but twice, or at most, thrice present during all the time of his Mastership, and particularly in the last great meeting, to which he summon'd all the Fellows, he staid not the reading out of one third part of the Statutes; nor indeed could ever be got from *London* to any Col-

ledge-meeting, but when his quarterly courſe in preaching, or auditing the Accounts (being alwayes ſuſpicious of the denial of his double Dividend at thoſe times) enforc'd his preſence.

That he hath been ſometimes, when there was great cauſe of meeting, neer a fortnight together, not calling any meeeing till juſt a day or two at moſt before his departure, whereby himſelf was eas'd, and the Preſident wholly charg'd with the eares of ſuch buſineſſes as ſhould have been then diſpatcht by himſelf.

That in meetings it hath been obſervably his cuſtome when he had a minde to diſpatch a buſineſs in deed, to ſit him down, and call us formally to the table, and to cut out his work for the debate, with all dexterity and expedition.

But when a buſineſs was to come on which he lik'd not, then to let us alone by the fire, or to leave his Chair, and us, to diſpute at random, otherwhile to ſpin out the time with us in diſcourſes of leſſer affairs, or if preſt to come home to the main buſineſs, then to fall a ſhuffling, and cutting, and winding us from the point by

ſome

ſome non-ſignificant, or dividing queſtions, of which Artifices he hath oft ſhewn himſelf a well skill'd Architect.

And for propounded of queſtions, his duty is, after the laying open before us the buſineſſes he hath to acquaint us with, not to lean upon his own prudence in propoſing to us like School-boyes ſuch queſtions as himſelf onely ſhall think fit, but to be in that main point of the ſcrutiny rul'd by the advice of the whole or major part of the Society.

And therefore what he acknowledges, viz. that he did take upon him in the firſt place to propound queſtions of his own ſence, was a great uſurpation; but that he gave others the like liberty, is an Apologie nothing to the purpoſe; for our Statute appropriating it to the Maſters Office, to ask the Fellows advice; if any other do it but he, it renders the whole vote of the Society a meer nullity: Now its true, the Maſter once at a meeting, when one excepted againſt ſome litigious queſtions of his propounding againſt the ſence of the Society, promiſed he would afterwards propound thoſe queſtions he had nam'd *in terminis*,

but when it came to the point, told the party, he might now propound those questions himself, if he pleased, (which he knew well had been a thing illegal and void) but refus'd utterly in pursuance of his promise and duty to propound them himself.

These things I know will to a superficial view seem but inconsiderable brangles; but to men of piercing judgements, and well vers'd in Parliamentary debates, that see daily what a King the Speaker would be, if solely intrusted with this Prerogative above the Parliament; and how great a weight of business is oft turn'd upon the hinge of one small punctill'o, in the stating of a question; these things cannot but appear of high concernment.

Yet I had very many materials of a much higher nature to charge him with, which being provok'd by his challenge, I was then as I told the Committee, ready to produce, having for witnesses most of the Senior Fellows then present before them to make them good. But as I was just entring upon that task, a worthy member of the Committee propounded it as a question to be,

be firſt debated by themſelves, whether they ſhould ſingle out the point of Statute to be determined, as they ſhould ſee juſt upon weighing the Arguments of both parties laid before them in theory, or take in with it the conſideration of the practick, conſiſting of perſonal charge. Another Gentleman ſeconding him, propounded likewiſe as fit to be conſidered, whether they would admit of recriminations, which are like to be endleſs (each party ſtill deeming himſelf oblig'd to reply and anſwer at large to each others, though non-pertinent objections) or rather as the firſt Gentleman propounded, would fall ſingly upon the point of Theory. This motion the whole Aſſembly ſeem'd to aſſent to; ſo according to the cuſtome of the Committee we were commanded to withdraw, and the doors ſhut. The product of the private debate was this.

April. 10. 1651.

At the Committee for Reformation of the *Univerſities.*

Reſolved,

That a view be taken of the ſeveral Statutes of the Univerſities, and the

Colledges and Halls therein respectively, to the end that they may be reduced to such a State as may render them most conducing to the advancement of true piety, and the interest of a Commonwealth.

Resolved,

That Mr. Rous, *Mr.* Martin, *Mr.* Moyle, *Sir* Hen. Mildmay, *Mr.* Oldsworth, *Mr* Thomas Chaloner, *Mr.* James Chaloner, *Mr.* Palmer, *Mr.* R. Darley, *Mr.* Love, *Mr.* Nevil, *be a Sub-Committee for this purpose, and that any three or more of them do meet and consider thereof, and make Report to this Committee from time to time concerning the same, as there shall be cause: and the care of this business is especially referred to Mr.* Oldsworth.

In pursuance of which resolve, some of those Gentlemen, Members of this Sub-Committee have since met, and past this following Order.

April 25. 1651.

At the Sub-Committee for viewing the Statutes of the *Universities.*

THe *Parliament having resolved a thorow Reformation of the Universities,*

ties, and the Committee appointed for that purpose in Order thereunto having taken the same into consideration, do hereby desire and require the respective Heads of Colledges, and those Fellows that are interested in the Government thereof for the time being, to send up to this Committee true transcripts of the Statutes of the said Colledges, examined and attested under their hands respectively; and they do specially recommend it to the care of the said Heads, Governors, and Officers, to consider what Statutes or any parts thereof are prejudicial to Religion, Learning, good Manners, or the present Government; and further, whether there be any defects in the same, and to propose their opinions concerning the supplying of the said defects; and that they give an account of the receipt hereof forthwith, and of their further proceedings concerning the same with all convenient speed.

James Chaloner, F. Reus,
M. Oldsworth.

The private buſineſs upon which at Doctor *Seamans* Motion the grand Petition was at firſt laid aſide, though indeed it nothing concerned it, yet is a ſtory worth the reading, and therefore take it as follows.

WE had a Fellowſhip in our Colledge kept vacant for many years, as the Maſter pretended for the Colledge neceſſities, but as the Fellows well know, for the defraiment of his double Dividend; this Fellowſhip one Sir Conyers, *Scholar of our Colledge, obſerving the Committee had before in a parallel caſe, taken the diſpoſal of ſuch dormant vacancies into their own hands, petition'd to have conferr'd upon him; whereupon the Committee ordered the Maſter and Seniors, or any two of them, to certifie the true ſtate of the caſe; which*

which Order being read at a publike meeting, the Master was very urgent with the Society to certifie it as kept void for the Colledge necessities; which the Fellows as not agreeable to truth, generally refused to do: so the Master (and one of the Society concurring with him so far) made only this general return, that it had ever since our coming to the Colledge been kept vacant, but for just reasons. But the Master alone makes another return, specifying some particular reasons, as namely a debt of above one hundred pounds owing to him by the Colledge. Upon which Allegations he made a large descant before the Committee; which ended,

I put in some exceptions in writing, detecting somewhat of his fraudulent dealing with the Colledge, and further added some inlargements, as I remember to this effect.

1. That the Fellowship had not been kept vacant by any publike vote, nor for those reasons he produc'd.

2. As to the debt, that once in a meeting, knowing our stock behind hand, and we in an incapacity of disbursing money, he press'd hard upon us for this debt, and took the advantage to say, that if we did

not

not presently pay, or clear him of it, he would be at liberty, if he pleas'd, to dispose of the Lands as himself should think good. And being answered, that the present Revenue of the Land would neer amount to the payment of moderate Interest for his money, and that for his security he should have the Colledge-Seal, upon which one of the Society had formerly lent the Colledge an hundred pounds; he slighted all, and nothing would content him, but either the money presently, or some of our particular Bonds, or the Land to be at his own dispose. So we being in this strait, my self, to give some breathing time to the business, presently offered upon that very security, viz. the Colledge-Seal, which the Master had so unbecomingly slighted, to lend the Colledge fifty pounds for some moneths, till we might think of some better way; and another, (I think 'twas Mr. Quarles) seconding me, offered the loan of forty pounds; which ninety pounds, together with another income then mentioned, wou'd make up the whole debt. But the Master seeing his pretence of seising the Land to himself thus defeated, neither accepted our offer, nor spoke more of the business at that time.

And

And further, that this debt he now mentions as a plea for keeping void this Fellowship, was a meer pretence made use of for by-ends, might hence appear. That he had formerly in a Colledge-meeting twitted us again with this debt as a plea for keeping void another Fellowship against our common Consent, yet gave way to his own man to defeat the Colledge of that Fellowship, not once appearing (though acquainted with his mans intentions) by Petition or otherwise in behalf of the Colledge right, which to have done was both the duty of his † place, and

† *For this treacherous neglect of his, he alledg'd before the Committee three excuses.*

First, That being to Preach he could not get time to atttend the Committee with a Petition upon that occasion.

Answ. *Then 'tis not fit the same man should be a preacher in* London, *and Master of a Colledge in* Cambridge: *For our Colledge Statute says expresly, That our Colledge businesses and rights ought not to suffer damage by the Masters studies, absence, or other defects.*

Secondly,

Secondly, That having had notice before hand of his mans intentions, he might for once have provided himself of an exchange.

Thirdly, He might as well have got Mr. Byfield to have presented a Petition for the Colledge, as he did afterwards (in probability) to plead for his man against the Colledge.

His second excuse was, That he had petitioned the Committee, that nothing might be there determined concerning our Colledge, till he were call'd in to give information, &c.

Answ. This Petition of his, was not put in the leastwise to hinder his mans enstatement, but was preferr'd a fortnight or a moneth after, when the controversie about his man was quite at an end: 'Twas upon occasion of some of us preferring to the Committee a Petition, for the reinforcement of one of our ancient Statutes overthrown by Doctor Wren in the late Kings days, he himself having refus'd to have any Elections, till we should petition the Committee for a determination of that Controversie, yet when we came to petition, and shewed him a Copy of it, he refus'd to joyn with us, and thereupon presents the Committee this

Petition

Petition he ſpeaks of. So this allegation being ſo, nothing to the purpoſe, ſhews he was deeply at a loſs what to ſay.

His third excuſe was, That he had no commiſſion from the Fellows to petition for keeping void that Fellowſhip, they having refus'd to ſign a Paper offer'd them by the Preſident to that effect.

Anſw. *That Paper which the Fellows refus'd to ſign, was for the keeping void of two Fellowſhips, which they were not willing to yield to, eſpecially one of them being I think Mr.* **Bechers** *Fellowſhip, which the Committee having not then declar'd void, the Fellows might well think it too unfriendly a part by ſuch a Petition to put the Committee in mind of ejecting him; but for this Fellowſhip of Mr.* **Maior**, *which we now ſpeak of, the major part of the Society did vote a preſent Election into it, but the Maſter refuſing to act upon that vote; we met again in the afternoon, and in diſcourſe upon that buſineſs, 'twas the general ſence of all, that the Maſter, ſeeing he would not yield to an Election, ſhould at leaſt be ſo honeſt as to uſe his beſt endeavor that it might not be ſupplyed by the Committee, but kept void upon thoſe reaſons he had alledg'd againſt an Election.*

Election. Which (as is witneſs'd in thoſe Letters at the end of the book) he promis'd faithfully to do, but perform'd not a ſyllable: Nay, I fear if all were well known, 'twould appear there was more of him then his bare permiſſion and connivence in his mans procurement of that Fellowſhip.

But ſee his mans hypocriſie! when he is to appear for the publike intereſt of the Colledge againſt his private, he hath a bone in his arm, can plead preaching and want of a Commiſſion. But in Sr. Conyers *his Caſe, who ſtood for that Fellowſhip which was kept void for the defrayment of his double dividend; there the private intereſt of ſpleen and covetouſneſs whetting him on, he could for two ſeveral weeks forſake his preaching, and come to the Committee to plead for the keeping voyd of that Fellowſhip, without the leaſt Commiſſion, nay, againſt the generall ſence of the Society, and to caſt diſgrace upon the Preſident and Fellows for their electing him.*

But I am glad, however I ſuffer'd by it, the diſcepute is faln back upon his own head, who moſt juſtly deſerv'd it.

and his ſolemn promiſe before the Society, as many can * witneſs.

*See two Letters annex'd to the later end of this Book.

Thirdly, That the Biſhop of Ely himſelf, in whoſe power the Committee was to act as to this cauſe, could not by our Statute give way to the keeping vacant any Fellowſhip without the deſire and Counſel of the Maſter and major part of the Fellows; but here there appeared no deſire of ſo much as one of the Fellows to have it kept longer vacant. But the Maſter did it alone of his own head, contrary to the ſenſe of the major part of the Society, and contrary to our expreſs Statute, which ſays the Maſter ſhould not headily rely upon his own wiſdom, but ſtand to the diſcretion of the major part.

To theſe things the Maſter having replyed what he thought fit, we were commanded to withdraw, and the Committee being, it ſeems, ſenſible that the Fellowſhip being void by death was not theirs, but the Colledges right to diſpoſe of, made this following Order.

March the 27th. 1651.

At the Committee for Reformation of the *Universities*.

UPon Reading the Petition of Mr. *Tobias Conyers*, Bachelor of Arts, and Scholar of *Peter*-house in the University of *Cambridge*, together with the testimonials of him hereunto annex'd, and likewise the return of the Master, and one of the Fellows of the said Colledge, concerning the vacancy of Mr. *Hanscombs* Fellowship, and upon hearing Doctor *Seaman* and Mr. *Hotham* before the Committee; It is Ordered upon debate of the matter, that the Master, or President and Fellows of the said Colledge, do forthwith proceed to election of a godly and learned Person into the place of the said Mr. *Hanscomb*, and that they give an accompt thereof to this Committee on this day fortnight.

James Chaloner.

The Colledge having received this Order, proceeded according to their usual form within eight dayes, unto an Election.

Election. The result of which was the Election of Sr. *Conyers* into the said vacancy; to which Election the President, and all the Fellows were consenting, excepting onely three Juniors brought in lately by the Masters interest at *London*, and who indeed according to our Colledge Statutes being in their state of minority, and not out of their year of Probation, should have had no vokes in the Election; yet these three not agreeing, neither, in any one man for a Competitor.

The reasons moving the Society to the Election of Sr. *Conyers*, were these:

First, he was one in a speciall manner design'd out to us for that perferment by our Colledge Statute, both in regard of poverty, a thing generally favoured in all Statutes, and likewise in regard of his Countrey, our Statute allowing two Fellowships for each County, and but one of them supplyed with men of his qualification, and this Fellowship belonging to the Northern Division, which we were bound in the first place to see supplyed.

Secondly, Our Statute commands us to chuse the ablest man we know of

of, or can find out. Now Sr. *Conyers* was known to be one of the greatest eminency for learning and parts in our whole Colledge, insomuch, that though we had a general Order made some years ago for examination of such as should stand for Fellowships, yet was it unanimously agreed even by those that dissented from the Election, that they were all so well satisfied of his learning and sufficiency, as that the former Order for Examination might well be suspended for that time, except some man should declare to the President his intent to stand as a Competitor against him, in which case there should be an examination; but no man adventured upon the tryal.

Thirdly, He was well known to us for the general course of his life to be one of a pious and vertuous conversation; Excepting only that once growing a little elated by a sudden promotion, and falling acquainted with a malignant, he began to be a little seduced, in which time, (which was about two years ago,) 'twas his ill hap to be in the company of some Rakels of another Colledge, who drank the Kings Health, and he with them: But

for

for this fault, with ſome concurring circumſtances, he did then receive moſt ſevere puniſhment, every way anſwerable, if not greater then the offence: And for the malignant diſtemper, that held him not above two months; he was by his Tutors and Fathers Counſels ſoon reclaimed from it: and as his life had been before this one unhappy miſdemeanor, ſo was it all the time of his abode in the Colledge after, which was for above a year, exemplarily pious and vertuous. And he had both to his Tutor, and to ſome honeſt Scholars of his acquaintance given that full evidence of his change of mind both in reference to piety, and good affection to the State (which he had likewiſe evidenced by that ordinary way of taking the Engagement) that there could not be now left any ſcruple in any rational man's breaſt concerning either his piety or good affection to the Commonwealth. Beſides all this, he had a moſt ample teſtimony both of his piety and good affection to the State, ſuch as is not ordinarily given to any man, from ſome godly and wel-affected Gentlemen and Miniſters in *Norfolk*, where

where he had lived the laſt year of his diſcontinuance from the Colledge.

Some buzzings there were of ſome Heterodox opinions which he was ſaid to hold, but neither did the Maſter, nor any one of the Society, even of thoſe that diſcented from the Election, lay any thing publickly to his charge, and the utmoſt that any of us could hear, ſo much as by rumor, was only of ſome innocuous, though unwary expreſſions uttered once at a hudling diſpute in the Schools, and at an after-ſupper diſcourſe at one of the Sophiſters Feaſts; at which times all men know how ordinary it is, and how inoffenſive to maintain by way of diſpute the greateſt Paradoxes.

Fourthly, The Order for Election being made upon his Petition, and ſent down to us, with our own and the *Norfolk* teſtimonial annex'd, we look'd at him as one recommended to us by the committee, as the godly and learned perſon intended (though in tenderneſs to the liberty of our Election, not nominated) by their Order. This Election thus made, upon thoſe ſolid reaſons, with a full accompt of all our proceedings in it, we did ac-

according to Order make a return of to the Committee, not for confirmation (for the Election being every way full and legal, needed it not) but only to ſhew, that in obedience to their Order, the Fellowſhip was forthwith ſupplyed by Election.

The form of our return to the Committee, containing the whole proceedings of our Election, was as follows:

To the honourable Committee for Reformation of the *Univerſities.*

WHereas there hath been ſent to the Colledge an Order from this honourable Committee, dated *March* 27. 1651. requring the Maſter or Preſident and Fellows of *Peter-houſe* in *Cambridge* forthwith to proceed to Election of a godly and learned perſon into the place of Mr *Hanſcomb*, and to give this honourable Committee an account thereof on this day; theſe are humbly to certifie, that in obedience to the ſaid order, *Tobias Conyers*, Bachelor of Arts, and Scholar of

of the houſe of our Colledge, being one generally well approved of amongſt us for his piety, learning and good affection to the Commonwealth, was in a full meeting of the Preſident and Fellows elected and admitted into the ſaid Fellowſhip, according to the Statute and Cuſtom of our Colledge, *April* 5. 1651. as by theſe following Copies of the Order, and our proceedings thereupon will more fully appear.

March the 27th. 1651.

At the Committee for Reformation of the *Univerſities*.

UPon reading the Petition of Mr. *Tobias Conyers*, Bachelor of Arts, and Scholar of *Peter*-houſe in the Univerſity of *Cambridge*, together with the Teſtimonials of him hereunto annex'd, and likewiſe the return of the Maſter, and one of the Fellows of the ſaid Colledge, concerning the vacancy of Mr. *Hanſcombs* Fellowſhip, and upon hearing Doctor *Seaman* and Mr. *Hotham* before this Committee, It is ordered upon debate of the matter, that the Maſter or Preſident, & Fellows of the ſaid Colledge

Colledge do forthwith proceed to Election of a godly and learned person into the place of the said Mr. *Hanscomb*, and that they give an account hereof to this Committee on this day fortnight.

James Chaloner.

March 29. 1651.

Agreed by the President and Fellows then present, that in obedience to the Order from the Committee for Reformation of the Universities, dated *March* 27. 1651. this day be the first day of monition according to the Statute about Election.

According to which agreement the first monition for an Election was publish'd the day and year above written by me

Robert Quarls President.
James Clark Dec. sen. dep.
Edward Sam's Dec. jun.

Robert Quarls President.

April. 3. 1651.

Agreed by the Preſident and Fellows then preſent, unanimouſly, that foraſmuch as they are all well ſatisfied concerning the learning and ſufficiency of Sir *Conyers*, there is no need of publick examination of him in reference to the Election, and that therefore it be at this time omitted; yet with this proviſo, that if notice be given to the Preſident of any that will ſtand in competition with him, there ſhall be a publick examination of all the candidates upon *Friday* and *Saturday*, according to a former Order of the Society, dated *July* 15. 1646. that ſo the moſt worthy perſons may be Elected.

Robert Quarls Preſident.
James Clark Dec. ſen.
Charles Mildmay Dec. jun.

April.

April 5. 1651.

The ſecond monition in reference to an Election into the place of Mr. *Hanſcomb*, was publiſh'd in full meeting according to the Statute and Cuſtom of our Colledge, by me

Robert Quarls Preſident.

Preſentibus Sociis

John Francius.
Charles Hotham.
James Clark.
Francis Brock.
Edward Sam's.
Charles Mildmay.
James Goodale.
Thomas Church.
Ralph Heywood.
William Sam's.

The Election preſently followed according to the Schedule hereunto annexed *pagina ſequenti.*

This is a true extract out of the Colledge Diary, which with the following Schedule is a full account of our whole proceedings concerning the aforeſaid Election.

Ita teſtamur
Ro. Quarls Preſ.
Ja. Clark ſen. Dec.
Ch. Mildmay Dec. jun.

Aprilis 5. *Anno Dom.* 1651.

Conventus Præſidis & Sociorum Collegii S^ti *Petri Cantabr.* pro Electione novi Socii in locum Magiſtri *Hanſcomb* nunc vacantem, octiduo poſt primam monitionem interpoſito.

Ego Johannes Francius *eligo* Tobiam Conyers *Eboracenſem in Artibus Baccalaureum, in locum Magiſtri* Hanſcomb *ſupradictum; ſed in annum probationis tantùm.*

Ego Carolus Hotham *eligo* Tobiam Conyers *Eboracenſem in Artibus Baccalaureum, in locum ſupradictum; idq; in annum probationis tantùm.*

Ego Jacobus Clark *eligo* Tobiam Conyers *Eboracenſem in Artibus Baccalaureum, in locum ſupradictum; idq; in annum probationis tantùm.*

Ego Franciſcus Brock *eligo* Tobiam Conyers *Eboracenſem in Artibus Baccalaureum, in locum ſupradictum; idq; in annum probationis tantùm.*

Ego Edwardus Sam's *eligo* Tobiam Conyers *Eboracenſem in Artibus Baccalaureum, in locum ſupradictum; idq; in annum probationis tantùm.*

Ego

Ego Carolus Mildmay *eligo* Tobiam Conyers *Eboracenſem in Artibus Baccalaureum, in locum ſupradictum; idq; in annum probationis tantùm.*

Ego Jacobus Goodale *eligo* Johannem Quarles *Norfolcienſem in Artibus Baccalaureum, in locum ſupradictum; idq; in annum probationis tantùm.*

Ego Thomas Church *eligo* Gulielmum Stavely *Leiceſtrienſem in Artibus Baccalaureum, in locum ſupradictum; idq; in annum probationis tantùm.*

Ego Radulphus Heywood *eligo* Gulielum Stavely *Leiceſtrienſem in Artibus Baccalaureum, in locum ſupradictum; idq; in annum probationis tantùm.*

Ego Gulielmus Sam's *eligo* Tobiam Conyers *Eboracenſem in Artibus Baccalaureum in locum ſupradictum; idq; in annum probationis tantùm.*

Ego Robertus Quarles *Præſes hujus Collegii, eligo, & electum à majori parte Sociorum pronuncio* Tobiam Conyers *Eboracenſem in Artibus Baccalaureum, in locum* Matthæi Hanſcomb *ſupradictum; in annum probationis tantùm.*

Formula admiſſionis eodem die poſt lectionem ſtatutorum & juramenti præſtationem.

Authoritate mihi commiſſâ, Ego Robertus Quarles *Præſes hujus Collegii, Admitto te* Tobiam Conyers *in Socium hujus Collegii, ex antiqua fundatione, ad annum probationis & convictum.*

Robert Quarles *Præſes Collegii.*

Vera Copia, & concordat cum Originali.

Ita teſtamur. { *Robertus Quarles* Præſes. / *Ja. Clark* ſen. Dec. / *Cha. Mildmay* Dec. jun.

But the Maſter, who would neither according to his duty come down to be preſent at the Election, nor ſo far own the Colledge, whoſe Rights he is by the fundamental Statute to be a Patron of, as to acquaint us with any exceptions he had againſt the perſon in view: (onely as we hear, he ſent ſome private Letters to the Preſident, without any communication to the Society, that Sir *Conyers* might not be Elected; together with ſome other private inſtructions to a creature or two of his own,) like an Enemy,

Enemy; rather then Maſter of the Colledge, comes to the Committee to accuſe the perſon elected, bringing with him one of his own creatures, who being preſent at the Election, would not before the Society produce any exception againſt Sir *Conyers*, but it ſeems, according to the Maſters inſtructions, reſerved them to be produc'd as a ſcandal to the Colledge (who were the Electors) before the Committee.

The Maſters exceptions were much to the ſame effect with thoſe before mentioned.

Firſt, that he had been a malignant, and had drunk the Kings health upon his knees, and for theſe miſdemeanors had been publickly corrected, and was ſent away into the Country by his Tutor as incorrigible.

2. That he had been guilty of Hereſie and blaſphemy, and upon that account was refuſed at St. *Johns* Colledge, where he once ſtood for a Fellowſhip.

In anſwer to which, I being his Tutor, made before the Committee this ſummary relation of his life.

That he being recommended to me

by his Father, a godly Minister in *York-shire*, and one who had suffered much for the Parliament; I took him at his first admission into the Colledge about the age of sixteen years to be my poor Scholar, in which service he demeaning himself with all faithfulness and diligence, and shewing himself in the quick apprehension of what ever was laid before him, one of extraordinary parts and industry; that his further proficiency might not be hindred by those necessary diversions of service, I desired to promote him to the degree of a Pensioner; in which way he being not able to maintain himself without some concurrent helps, I was a suiter to the Master to confer upon him the Chappel Clerks place then vacant. The Master, as I was told by a third person, who made the motion to him, was willing to it, if I would have truck'd with him; *i.e.* if I would have received one of his recommendation to be my poor Schoolar in his place; but I being otherwise engaged, could not do it, and so could not obtain the Masters consent; yet was dismiss'd with this intimation of hopes, That there would be ere long more va-

vacancies of these places, which fell out accordingly; but he whom I had spoke for was never the nearer; for still one or other was promoted before him. Which observing, I took my opportunity, upon a vacancy that happened, to represent the case to the President and Deans, who convinc'd of the poor Lads deservings, elected him without the Masters concurrence. This the Master resented so deeply, as at his return he did (as I have been certainly enformed) call the President (a man of more standing and worth then himself) by such a foul name, as I am ashamed to mention. And in passion would, had not I withstood him, under pretence of translation, have thrust this poor youth out of his place of eight or nine pounds a year, into poor a place of three or four pounds a year; and has ever since that time born him an implacable malice.

The poor youth being something elated with this sudden promotion began a little to lay himself open to temptation, and as was before related, through the seducement of a malignant, whom he fell acquainted with, was something infected, and by chance

a Rakel of *Pembroke*-Hall coming in to our Butteries, and beginning the Kings health, 'twas his unhappineſs (as of ſome other ſimple Lads there preſent, who were no malignants) to pledge it, yet not upon his knees, as was alledged: hearing of this, I ſent for him, and finding the original of this diſtemper to proceed from a Chamber-fellow with whom without my privity he had aſſociated himſelf, I commanded him back to his former Chamber, but he refuſing, that the example of his miſdemeanor and diſobedience might not further infect the Colledge by his impunity, I corrected him publickly before two or three of the Scholars in my Chamber; and becauſe I conceived a Fathers admonitions might be moſt powerful with him, I ſent him down to the Countrey with Letters to his Father, informing him how the caſe ſtood, that if a real reformation ſhould appear in him, he ſhould be welcom to me again; if not, that he muſt diſpoſe of him ſome other where, for I would own none ſuch as he was in that preſent condition: ſo after ſome reaſonable ſtay in the Countrey, his Father returned him up to me again, as a

reformed

reformed man, of which he gave good evidence by a whole years pious and religious converſation. And beſides, better to ſatisfie my ſelf, I enquired concerning him of ſome honeſt and religious lads whom I durſt truſt, who profeſſed to me, that he had divers times in their hearing teſtified his great ſorrow for his former miſcarriages; and that to them he then appeared, aſmuch as could be, of a truly pious diſpoſition. Hereupon the youth having taken his degree of Bachelor of Arts, I began to look out for ſome preferment for him, and knowing the Maſters malice to him was ſuch as 'twas impoſſible without higher conteſts then I was willing to engage in, to prefer him in our own Colledge, and hearing of a way open in St. *Johns* Colledge, I made a ſuit to ſome of that Colledge in his behalf, acquainting them fully with the worſt of this which the Maſter now objects, and received from them good encouragement.

But the day before their ſitting, I received a note from one of the Fellows there, of a report they had heard of ſome Arminian tenent which he had maintained in the Schools, whereupon

upon I ſent for Sir *Conyers*, and charg'd him with it; chid him for that he had, contrary to my counſels, troubled his head in his unriper years with the ſtudy of the contentious part of Divinity; yet withall charg'd him with all ſeverity, that whatſoever opinion, though never ſo heterodox, he was poſſeſſed of in his judgement, he ſhould not deny it for any worldly preferment; but if thoſe things which he was ſaid to have diſputed for in the Schools were not his judgement, he ſhould then expoſe himſelf to examination to clear himſelf of thoſe aſperſions: his anſwer to me was, that he had not maintain'd any thing that way as his judgement, and that he doubted not of giving ſatisfaction in any reaſonable way that could be expected: Whereupon I writ to St. *Johns* Colledge, that I wondred any thing uttered by way of diſpute in thoſe tumultuary velitations, ſhould be eſteemed an argument of a mans judgement, and that Sir *Conyers* was ready to give ſatisfaction to ought could be alledged againſt him: But I was anſwered, that the time of election being now come, the ſuſpition that was conceived of him could not be removed

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in such an instant, and that therefore it was better to forbear sitting; which counsel of his was accordingly followed.

So the poor young man distitute of maintenance, was not able to continue longer in the Colledge, but retired to a poor employment into *Norfolk*, where he hath liv'd neer the space of a whole year; during which time, what his behaviour hath been, and what opinion the religious, and well-affected of that place have of him, this testimony of men well known to some members of this Committee, which I desire may be rehearsed before you, will make it appear.

Norff.

These are to certifie all whom it may concern, that Mr. *Tobias Conyers*, now resident in *Hapton*, hath, during his abode here, been blameless in his life and conversation, useful in teaching of children, and painful and industrious in his calling and studies: And that from time to time he hath shewed good affection to the present Government, and settlement of the Commonwealth; and hath been desirous after the best things, and expressed much long-

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ing after communion with God in holy duties, and Ordinances; and hath laboured to promote the cauſe of God to the utmoſt of his power, as he hath had opportunity; declaring much love to the Truth, preferring the ſociety of the godly, and turning from ſuch as are otherwiſe minded: All which things, we whoſe names are underwritten do very freely and heartily teſtifie, this 11th. of *February*. 1650.

John Reymes.
Edward Waile, Paſtor of the Church at *Hapton.*
Nathaniel Brewſter, Miniſter of *Neatſhead.*
Michael Whitefoot.

So you ſee the man was no originall malignant, nor was he ever any drunkard, or otherwiſe ſcandalous perſon, but onely for a ſhort time ſeduced, and quickly cured of his diſtemper: as for a ſcandal which 'twas his unhappineſs to fall into, he received then condign puniſhment, and therefore ought not to be puniſhed again for the ſame, eſpecially his life both before and after being

being exemplarily vertuous; and beſides, having voluntarily upon the firſt coming out of the Act of Parliament for that purpoſe, ſubſcribed the engagement, which in other caſes hath been adjudged alone ſufficient to qualifie a man for keeping his old, or acquiring new preferment.

As for Blaſphemy, 'tis by the Maſter only alledged, not proved; nor do I believe he was ever guilty of it in the leaſt. But with Epiſcopal ſpirits every petty difference in opinion is a capital crime: and not to ſay Amen (though without underſtanding) to each article of their voluminous Creed, is blaſphemy againſt the Holy Ghoſt. They not conſidering, that the paſſage of religious ſpirits is, as through many tribulations into the Kingdom of God, ſo through many errors into the true knowledge of God.

Beſides, it might have been conſidered, that his election was onely as Probationer, during which time, being a whole year, he was to ſtand upon his good behaviour, and if in all that time he gave juſt cauſe of offence, was by our Statute to be denied admittance into perpetuity of his poſſeſſion. And

therefore

therefore the danger of him, if there were any, was not conſiderable. But that we have one in our Colledge put in by this Committee, who ſince the date of this miſdemeanor, was ſo malignant, as publikely, in the face of all the Colledge aſſembled together, to parallel the Parliament for their proceedings with the King, &c. with the Powder treaſon of the Jeſuits and Papiſts, contrived and carried on under pretence of Religion. Now this man being made Fellow by this Committee, we did not, in regard he was otherwiſe a man of good deſert, oppoſe our ſelves againſt his admittance, onely in regard of his late diſaffection, petitioned this Committee, that he might according to our Statute ſtand upon his good behaviour for one year, before a final ſetlement in his place: But in this caſe, the Maſter neither regarding the obligation upon him by our Statute, nor by his engagement to be true and faithful to the Commonwealth of *England*, would neither petition himſelf, nor joyn with us in that petition: whence 'tis apparent, that the great object of his diſtaſte here was not the malignancy, but only the perſon, now clear enough

enough from that diſeaſe.

Laſtly, though I will not take upon me to enqure into the hidden myſteries of a Superior Power; yet this I ſhall ſay, that that power which can eject a man out of his legal poſſeſſion for a miſdemeanor of a date of neer two years old, committed and puniſhed in the days of his minority, long before his entrance into that poſſeſſion, muſt ſure be very tranſcendent, and above that of any, either common Law or Chancery, that I have heard of.

The Commiſſee having heard what they thought fit on both ſides, we were commanded according to cuſtome, to withdraw, and the doors to be ſhut.

What was ſaid *pro*, or *con* at the private debate, the man with the great Beard onely knows. But the reſult was as followeth.

April. 10. 1651.

At the Committee for Reformation of the Univerſities.

FOr as much as it appears to this Committee, that *Tobias Conyers*, elected by the Fellows of *Peter-Houſe*, into the Fellowſhip of Mr. *Hanſcomb*, hath

hath been guilty of ſcandal, and malignancy, therefore this Committee adjudge him unfit for this Fellowſhip.

Reſolved,

That this Committee will chuſe a Fellow into the place of Mr. Conyers *thu day fortnight.*

One who was the Maſters Sizar, and who, for ought that yet appears, never ſubſcribed the Engagement, is now put into this Fellowſhip.

Theſe things I have been inforc'd to publiſh for vindication of the Colledges repute from theſe ſcandals endeavor'd to be thrown upon it by our unworthy Maſter; in which (being little more then a bare hiſtorical narrative of the proceedings) I do not in the leaſt take upon me to judge of the Honorable Committees ſeverity in this their cenſure upon Sir *Conyers*, only to make it appear, that the Preſident and Fellows in their choice of him did nothing but what ws agreeable to their truſt, both as members of the Colledge and Commonwealth.

A Letter from our Preſident to one of the Society in London, *upon occaſion of the Maſters man being made Fellow of our Colledge.*

Sir,

I Marvel Maſter *Becher* neglected his place in this faſhion he did. For my part, I deſire him much to the contrary. Sir *Church* is admitted into it; after ſeven dayes (prefixed by the Fellows) were expired. Sir *Heywood* the under Butler did bring yeſterday morning another Order for Mr. *Majors* place; which we do much wonder at, ſeeing Dr. *Seaman* at his laſt being at *Cambridge*, did both give ſeveral Statutable reaſons; why this place ought to be kept void: as alſo did promiſe, to do his beſt indeavors that it might be alſo. Being then, that Dr. *Seaman*, and the major part of our Society are now at *London*, I thought good to make a ſtop of Sir *Heywoods* admiſſion for ſeven dayes,

dayes, till we hear what your mind is. I do not know where Mr. *Hotham*, Mr. *Clark*, and Mr. *Brock* have their lodgings at *London*: otherwise I had written to them also. I have acquainted Dr. *Seaman* to the self-same purpose yesterday being Tuesday and the 24 of *December*, at the receipt of that Order. I sent my Letter unto him with one *Green* a *Cambridge* Letter Carrier, and delivered the Letter my self unto him, upon Tuesday last before he went. I pray present my best respects to your brother Doctor, and our Society now at *London*. With the wishes of a happy new year, I rest; desiring to hear of you this week.

Sir, *I am yours, &c.* I. F.

Cambridge in haste. *January* 25. 1650.

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A Letter from one of our Society upon the ſame occaſion, to another of our Fellows then in London.

Sir,

SInce your departure, there is another *Mandamus* come to ſupply Mr. *Majors* Fellowſhip, Sir *Heywood* hath got it, and expects his admiſſion daily; but Dr *Francius* hath ſent to the Maſter to know his reſolution, as alſo the minds of the Fellows which are in *London*, determining to defer his admiſſion till he hath received your anſwers, or be aſcertain'd whether you will vindicate the Colledge from ſuch a manifeſt violation, and intruſion, or not. Sir, there are a conſiderable part of our Society now in *London*, it much concerns you to act your utmoſt, to deliver your ſelf and the Colledge from ſo great a detriment: You may preſs the Maſter with thoſe proteſtations which he made the laſt time he was with us, whether they are not incompatible with Sir *Heywoods* Mandate,

date, or whether his vow which openly he expreſt, to keep void that Fellowſhip, be conſonant with the obtaining an inſtrument to put in his own man. Sir, you know the manner of his proceedings better then I can inform you, only I thought it neceſſary to give you notice of it, leſt the ſeven dayes ſhould be expired before you were acquainted with it I have nothing elſe but my Service to preſent unto your ſelf, Mr. *Hotham*, and all the Society with you, and to ſubſcribe my ſelf.

Yours, &c. C. M:

Decemb. 21.—50.

FINIS.